

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 COUNTY OF WAKE 11 CVS 16896
 11 CVS 16940

MARGARET DICKSON, et al.,
Plaintiffs,
vs.
ROBERT RUCHO, in his
official capacity only as
the Chairman of the North
Carolina Senate
Redistricting Committee,
et al.,
Defendants.

NORTH CAROLINA STATE
CONFERENCE OF BRANCHES OF
THE NAACP, et al.,
Plaintiffs,
vs.
STATE OF NORTH CAROLINA,
et al.,
Defendants.

DEPOSITION OF JOEL RAUPE

10:02 A.M.
MONDAY, JUNE 18, 2012

POYNER SPRUILL
301 FAYETTEVILLE STREET
SUITE 1900
RALEIGH, NC 27601

By: Denise Myers Byrd, CSR 8340, RPR

A P P E A R A N C E S

For the Plaintiffs, NAACP:

SOUTHERN COALITION FOR SOCIAL JUSTICE
BY: ANITA EARLS, ESQ.
CHRIS KETCHIE, Policy Analyst
1415 West Highway 54
Suite 101
Durham, NC 27707
(919) 323-3380
anita@southerncoalition.org
allison@southerncoalition.org

FERGUSON STEIN CHAMBERS GRESHAM & SUMTER
BY: ADAM STEIN, ESQ.
312 West Franklin Street
Chapel Hill, NC 27516
(919) 933-5300

For the Plaintiffs, Margaret Dickson, et al.:

POYNER SPRUILL
BY: EDWIN M. SPEAS, JR., ESQ.
JOHN W. O'HALE, ESQ.
301 Fayetteville Street
Suite 1900
Raleigh, NC 27601
(919) 783-2881
espeas@poynerspruill.com

For All Defendants:

N.C. DEPARTMENT OF JUSTICE
BY: ALEXANDER McC. PETERS,
SPECIAL DEPUTY ATTORNEY GENERAL
114 W. Edenton Street
Raleigh, NC 27603
(919) 716-6900
apeters@ncdoj.gov

1

2

3 For the Legislative Defendants:

4

OGLETREE DEAKINS
BY: THOMAS A. FARR, ESQ.
4208 Six Forks Road
Suite 1100
Raleigh, NC 27609
(919) 789-3174
thomas.farr@ogletreedeakins.com

5

6

7

8

9

--000--

10

11

12

INDEX OF EXAMINATION

13

Page

14

By Mr. Speas..... 11

15

By Ms. Earls..... 168

16

By Mr. Farr..... 187

17

By Mr. Peters..... 188

18

19

--000--

20

21

22

23

24

25

1	INDEX OF EXHIBITS		
2	EXHIBIT NO.	DESCRIPTION	Page
3	314	Subpoena	15
4	315	Affidavit of Joel Raupe, Stephenson vs. Bartlett	18
5	316	Unsigned and undated letter to Chris Herren, Voting Section, Civil Rights Division, Department of Justice	20
6	317	E-mail string between Brent Woodcox and Joel Raupe, January 28, 2011	35
7	318	E-mail string between Brent Woodcox and Joel Raupe, February 3, 2011	36
8	319	E-mail string between Senator Rucho, Russell Peck, Joel Raupe and others, February 25, 2011, FW: Precinct Data	37
9	320	E-mail to Jason Kay and Brent Woodcox from Tom Hofeller, March 2, 2011, Subject: Reports with attached RNC data	40
10	321	E-mail string between Mike Wild and Joel Raupe, April 15, 2011, NC Senate Plan	45
11	322	E-mail to Tom Hofeller from Lindsay Fisher, May 23, 2011, Subject: Redistricting Letter to Legislative Leaders	47
12	323	E-mail string between Mike Wild and Joel Raupe, June 6 and 7, 2011, Election Data 2008	48
13	324	E-mail to Senator Rucho from Joel Raupe, June 21, 2011, Blue Horizons 3 (b)	49
14	325	E-mail to Tom Hofeller from Mike Wild July 12, 2011, Subject: ACS	51
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1			
2			
3	326	E-mail string between Mike Wild and Joel Raupe, July 14, 2011,	
4		Database updates, etc.	57
5	327	E-mail from Tom Hofeller to Jason Kay, Brent Woodcox and others, March 2, 2011,	
6		with attached GA Cluster Ranges	77
7	328	E-mail string between Joel Raupe, Senator Rucho and others, March 7, 2011,	
8		Subject: Reports	81
9	329	E-mail between Joel Raupe, Tom Farr and Tom Hofeller, March 15 and 18, 2011,	
10		Subject: Senate Pod Maps, Road Map to House Podding, with attachment	83
11	330	E-mail to Joel Raupe from Tom Hofeller, March 21, 2011, Subject: Senate Plan Draft with attachment NC Senate Pod1	86
12			
13	331	E-mail to Tom Hofeller from Joel Raupe, April 19, 2011, Subject: Interesting Map with attachment	89
14			
15	332	E-mail to John Morgan from Tom Hofeller, May 20, 2011, Subject: NC House Plans with attachment NC House plan without New Hanover BLK Dist and New House Clusters	92
16			
17	333	E-mail to Senator Rucho from Joel Raupe, June 27, 2011, with attachment Stephenson v. Bartlett	94
18			
19	334	E-mail to Joel Raupe from Tom Hofeller, July 5, 2011, Subject: New House Plan From Hofeller with attachment NC House with Pitt Wilson Pod July 4	95
20			
21	335	E-mail to Senator Rucho from Tom Hofeller, July 14, 2011, Subject: Grouping Plans to I: Drive for Internal Access	96
22			
23			
24			
25			

1			
2			
3	336	Document entitled Background	98
4	337	Map: House Refined 3 Clusters	99
5	338	Map: Refined 4 Cluster Plan	99
6	339	Map: NC Sen VRA Joel June16	102
7	340	Map: NC Senate VRA Joel Take2 June16	102
8	341	Map: NC Senate July 9	115
9	342	Map: NC Senate Master July 11 0115	117
10	343	Map: NC Senate Forsyth Extension	118
11	344	E-mail string between Tom Hofeller and Joel Raupe, April April 19, 2011, Interesting Map	125
12			
13	345	E-mail to John Morgan from Joel Raupe, June 7, 2011, NC Senate 2-2 110526	127
14			
15	346	NC Senate George 2-2 110526 statistics and map George 2-2	129
16	347	E-mail to Tom Hofeller from Joel Raupe, June 16, 2011, Subject: Senate Block Assignment Files	130
17			
18	348	E-mail to Tom Hofeller from Joel Raupe, June 16, 2011, Subject: House Minority Districts and Full Plan County "pod map"	131
19			
20	349	E-mail string between Senator Rucho and Joel Raupe, June 27, 2011, Check the numbers	132
21			
22	350	Document entitled "NC Senate, Senate Plan Draft 1"	133
23			
24	351	Map with statistics "Hofeller 1"	137
25	352	Map with statistics "NC Senate Dale"	137

1			
2			
3	353	Map with statistics "NC Senate Welsh Dragon"	138
4			
5	354	Document entitled "NC House, House Minority 121-120"	140
6	355	E-mail to Tom Hofeller from Joel Raupe, June 13, 2011, Subject: NC House with Changes to Wake by Art P with attachment	142
7			
8	356	E-mail to Art Pope from Joel Raupe, June 13, 2011, Wake Highlighted	143
9			
10	357	E-mail to Joel Raupe from Tom Hofeller, June 14, 2011, Subject: NC House with Changes to Wake by Art P	143
11			
12	358	E-mail string between Joel Raupe and Tom Hofeller, June 16, 2011, With regard to the House	144
13			
14	359	E-mail to Senator Rucho from Joel Raupe, January 21, 2011, Congressional Map	150
15			
16	360	E-mail string between Joel Raupe and Mike Wild, May 11, 12 and 13, 2011, Current Plan files	151
17			
18	361	E-mail string between Joel Raupe and Mike Wild, May 24 and 25, 2011, Congressional Demographic Reports	155
19			
20	362	E-mail string between Joel Raupe and Tom Hofeller, June 19 and 20, 2011, NC Congressional Plan	156
21			
22	363	E-mail to Senator Rucho from Joel Raupe, June 21, 2011, With Regard to your earlier question about Asheville	157
23			
24	364	E-mail to Joel Raupe from Tom Hofeller, July 6, 2011, New Congressional Solutions	158
25			

1			
2			
3	365	E-mail string between Joel Raupe and	
4		Tom Hofeller, July 14, 2011,	
		W Series Congressional Plans	160
5	366A	E-mail to Tom Hofeller from Joel Raupe,	
6		July 14, 2011, Subject: W Series	
		Congressional Plans with attachments	160
7	366B	E-mail to Tom Hofeller from Joel Raupe,	
8		July 14, 2011, Subject: W Series	
		Congressional Plans (2 of 3) with	
9		attachments	160
	366C	E-mail to Tom Hofeller from Joel Raupe,	
10		July 14, 2011, Subject: W. Series	
		Congressional Plans (3 of 3) with	
11		attachments	160
12	367	LinkedIn profile of Joel Raupe	162
13	368	Chamber.com: Joel Raupe	163
14	369	Katy's Conservative Corner article:	
		On Membership by Joel Raupe	164
15			
	370	News Articles	166
16			
	371	List of files provided in discovery	183

--000--

1 STIPULATIONS

2
3 It is hereby stipulated and agreed between the
4 parties to this action, through their respective
5 counsel of record:

6 1. That the deposition of the Joel Raupe, may be
7 taken on June 18, 2012, at 9:30 a.m. in Raleigh, NC,
8 before Denise Myers, CSR 8340, RPR.

9 2. That the deposition shall be taken and used
10 as permitted by the applicable North Carolina Rules
11 of Civil Procedure.

12 3. That any objections of any party hereto as to
13 notice of the taking of said deposition or as to the
14 time or place thereof, or as to the competency of the
15 person before whom the same shall be taken, are
16 deemed to have been met.

17 4. That objections to questions and motions to
18 strike answers need not be made during the taking of
19 this deposition, but may be made for the first time
20 during the progress of the trial of this case, or at
21 any pretrial hearing held before any judge of
22 competent jurisdiction for the purpose of ruling
23 thereon, or any other hearing at which said
24 deposition shall be used, except that objections to
25 the form of the question must be made at the time

1 such question is asked or objection as to the form of
2 the question is waived.

3 5. That the witness reserves the right to read and
4 sign the transcript prior to it being sealed.

5 6. That the sealed original of the transcript shall
6 be mailed First Class Postage Paid or hand-delivered
7 to the party taking the deposition for preservation
8 and delivery to the Court if and when necessary.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 JOEL RAUPE,
2 having been first affirmed by the Certified Shorthand
3 Reporter and Notary Public to tell the truth, the whole
4 truth and nothing but the truth, testified as follows:

5 EXAMINATION

6 BY MR. SPEAS:

7 Q. Would you please state your name for the record.

8 A. Joel Craig Raupe.

9 Q. And, Mr. Raupe, have you ever been deposed before?

10 A. Yes.

11 Q. When was that?

12 A. 1978. It was -- it was a traffic accident,
13 something to do -- I can hardly remember it. It
14 was a trial that -- pretrial deposition in
15 Arlington, Virginia.

16 Q. A few instructions, suggestions about the course of
17 the proceedings today. It's very important that
18 you understand my questions. If my questions are
19 not clear, please ask me to clarify them.

20 A. Okey-doke.

21 Q. The court reporter needs an answer and not a head
22 nod.

23 A. I understand.

24 Q. You and I both need to make an effort not to talk
25 over each other.

1 A. Try not to mumble.

2 Q. Mumbling is not good.

3 So tell me a little bit about yourself,
4 where were you born, where were you raised, where
5 did you go to school, that kind of thing.

6 A. I was born in Washington DC in 1957. My father was
7 a congressional aide to a second-term congressman
8 in Texas. My family is all from Texas.

9 My father -- we lived in Washington as
10 expatriate Texans, I guess you could say. My
11 father then went to work in the Foreign Service in
12 1960 and was an airline executive for the next ten
13 years after that, lived in Miami for a time.

14 After that we returned to Washington DC
15 late in high school and graduated from the Capitol
16 Page School and the Library of Congress.

17 I worked as a congressional staffer after
18 college in 1979. I attended the University of
19 South Florida, majored in history with a minor in
20 astronomy.

21 Let's see. I worked for Representative
22 Wright who was my father's -- by that time he was
23 majority leader of the House. Until 1982 I moved
24 to Texas that year along with my wife, who I had
25 met in Jim Wright's office, was Walter Jones

1 Senior's assistant, and went to work for Jim Wright
2 in, I think, 1979.

3 We -- I worked in my father's real estate
4 business and in publishing. I ran a small
5 newspaper and was editor of a paper in Meridian,
6 Texas, and was a publisher of a newspaper and
7 magazine in Granbury, Texas, sort of our family
8 home.

9 Jim Wright originally represented that area
10 and now -- well, later was representing North
11 Tarrant county. This was -- I left his office
12 before he was Speaker of the House and my father
13 also retired and we worked in real estate.

14 My mother and father both passed away in
15 the '80s. And I started a small business as an
16 airport cab driver from the Comanche Peak Electric
17 Steam Station in Glen Rose.

18 We moved to North Carolina in August 1988,
19 far eastern North Carolina, about as far east as
20 you can go in Beaufort county. You can see Hyde
21 county from our back yard. We lived there this
22 entire time until the present time.

23 I originally came to work at the General
24 Assembly in 1997 for newly elected State House Rep
25 Sandy Hardy, Edwin Sandy hardy. I left his office

1 in July of that year. For a while I was also clerk
2 of the Judiciary I committee, I believe, Judiciary
3 II. I can't remember which one it was.

4 I worked in computer networking for a
5 company out of Washington for a while, installed
6 the first DSL internet hookups in Raleigh, business
7 and residential. Then in 2000 -- which was it,
8 2000, I can't remember here. What year was it that
9 the -- Patrick Ballantine asked me to be his
10 administrative assistant, and I went to work for
11 him in January of '99, and I worked for him.

12 And then after he resigned I worked for
13 Senator Forrester and then for Senator Berger for a
14 time, and then left Senator Berger's office to go
15 work for the newly formed Civitas nonprofit. I'm
16 sure most of you heard of it. I can't remember the
17 full name of it. Anyway, I worked for that and
18 left in the middle of 2005.

19 In 2006, I was a State House -- I was
20 Republican nominee for State House for District 6.
21 I had to step out of that race after winning the
22 primary unfortunately because I had a broken back
23 and complications from that injury made it
24 impossible for me to walk any great distance.

25 So after the election that year I went to

1 work for the new minority leader of the House,
2 Representative Stam, and I worked for him for a
3 term and left that in November of -- the end of
4 November 2008.

5 And aside from the time I worked for Fair
6 and Legal Redistricting in this process, I've been
7 and remain unemployed.

8 Q. Mr. Raupe, I am going to ask the court reporter to
9 mark this subpoena as Exhibit 314.

10 (WHEREUPON, Exhibit 314 was marked for
11 identification.)

12 BY MR. SPEAS:

13 Q. Mr. Raupe, I would ask you if you have seen
14 Exhibit 314 before.

15 A. I believe I have seen parts of this document before
16 in another format, in electronic format.

17 Q. This subpoena requested you to bring with you,
18 first of all, the first cluster map you drew for
19 the Senate and House. Do you have that with you
20 today?

21 A. The first cluster map I drew?

22 Q. Yes.

23 A. Not as such, but I would -- I have an electronic
24 format.

25 Q. You have that electronic format with you here

1 today?

2 A. Uh-huh, I do.

3 MR. FARR: Did we produce this already?

4 THE WITNESS: Yes. This has what's been
5 produced.

6 MR. SPEAS: The reason for the subpoena
7 was you have produced a very, very large number of
8 maps, and we are trying to be specific in what we
9 were looking for, the first cluster map and the
10 first House and Senate maps.

11 THE WITNESS: Well, see, to answer that
12 specific request, I would need to go through those
13 maps myself because I don't remember a map as such.
14 I certainly remember drawing maps like that under a
15 variety of circumstances, but not as such. I think
16 I could narrow it down and find it for you rather
17 quickly, but I would need to see it. I would need
18 to go through my documents to see it.

19 MR. SPEAS: All right. Well, at some point
20 in the day, then, we will do that, but pursuant to
21 this subpoena --

22 MR. FARR: We've produced it on disc.
23 We're not going to go through that. I don't know
24 what's on that.

25 MR. SPEAS: And, you know, that's what we

1 wanted, we wanted to see the first map, but we were
2 unable to distinguish it ourselves and we were
3 looking for that.

4 BY MR. SPEAS:

5 Q. But you have not brought your first cluster map
6 with you today?

7 A. Right here.

8 Q. And that thumb drive has on it a thousand maps,
9 correct?

10 A. It's the same thing that's been produced for you.

11 Q. All right. Did you make an effort before coming to
12 the deposition today to go through your thumb drive
13 and identify the first cluster map?

14 A. Not as such, no.

15 Q. Before coming today, did you make an effort to go
16 through the numerous maps you have drawn and
17 identify the first House, Senate and Congressional
18 maps that you drew?

19 A. Not as such, no.

20 Q. Let's go back to your earlier work for a few
21 minutes.

22 Do you have a degree from the University of
23 Florida, South Florida?

24 A. No, I do not.

25 Q. How many years did you complete?

1 A. Three and a half.

2 Q. Do you have any degree from any institution of
3 higher education?

4 A. No.

5 Q. And your high school diploma was from the Capitol
6 Page School?

7 A. It was from the District of Columbia Public Schools
8 system.

9 Q. You were involved in the redistricting in
10 North Carolina in the early 2000s, I believe.

11 A. Yes.

12 Q. Could you describe that role for me, please.

13 A. Well, during the redistricting process as a
14 legislative process before litigation, I
15 worked -- I was working with Senator Ballantine as
16 his administrative assistant. As such, I had a
17 District Builder workstation in my office and
18 prepared maps of a wide variety of kinds and
19 for -- but exclusively for the Senate minority and
20 that's really about it. I had produced maps that
21 were offered as amendments later.

22 Q. I'm going to ask the court reporter to mark this
23 exhibit as 315.

24 (WHEREUPON, Exhibit 315 was marked for
25 identification.)

1 BY MR. SPEAS:

2 Q. Mr. Raupe, Exhibit 315 is entitled Affidavit of
3 Joel Raupe, and we found that on the web, and I'm
4 going to ask you to review that and tell me whether
5 you recognize that as an affidavit that you
6 prepared at some point for the Stephenson lawsuit.

7 A. Yes, I recognize it.

8 Q. The particular version we have here does not have a
9 date on it. Do you know approximately when this
10 was drafted?

11 A. Approximately I would say -- I would say it took
12 place in 2002, but I'd have to -- I'd have to --
13 undoubtedly, I have a copy of it myself somewhere.

14 Q. If you would take a minute, Mr. Raupe, and review
15 this. It actually refers to events in 2003.

16 A. All right. The extra session, so it's probably
17 2004, between January and March of that year.

18 Q. And did you draft this affidavit yourself?

19 A. No.

20 Q. Do you recall who drafted this affidavit?

21 MR. FARR: Objection to the form.

22 If you can answer the question, you may.

23 THE WITNESS: I think counsel for the
24 plaintiffs helped me with -- you know, we went
25 through the course of events and I see a lot of

1 description here of process, various plans that
2 were offered as amendments, the interim Senate plan
3 which was used by the court for the 2002 elections.

4 I neglected to mention that I drew about
5 85 percent of that map to my surprise.

6 Yeah, I'm certain I had assistance with
7 this because of the detail, but I would say counsel
8 for the plaintiffs in that case.

9 BY MR. SPEAS:

10 Q. To your knowledge, was this affidavit or this
11 version of this affidavit ever filed in any court
12 proceeding?

13 A. I believe it was probably filed in one of the
14 Stephenson subsequent cases having to do with
15 countersuits against Morgan versus Stephenson. It
16 may have been filed in Morgan versus Stephenson,
17 during that litigation at that time.

18 Q. Now, I understood you to say just a minute ago that
19 you drafted a large portion of the Senate
20 redistricting maps for Senator Ballantine.

21 A. Yes, and the Caucus, which was small at the time.

22 Q. Let me ask you about this. I am going to show you
23 another document which we'll mark as 316.

24 (WHEREUPON, Exhibit 316 was marked for
25 identification.)

1 BY MR. SPEAS:

2 Q. And I will inform you, Mr. Raupe, that we found
3 this document in the materials you provided to us
4 and it appears to be a letter drafted to Mr. Chris
5 Herren at the U.S. Department of Justice, and I
6 would like to ask you if you recall drafting that
7 letter. It does not bear a date, though it seems
8 to have been written in about 2003.

9 A. I'm sorry, could you repeat the question for me.

10 Q. Do you remember drafting this letter?

11 A. No, I did not draft this letter.

12 Q. You did not draft the letter?

13 A. No.

14 Q. Do you know who drafted the letter?

15 A. I'm not certain how this ended up in my stack of
16 stuff. To be honest with you, I seem to recall the
17 letter, but I don't recall it being in a digital
18 format. It could have been a document that was
19 forwarded to me as an example or as something that
20 needed to be brought to my attention. It's
21 Stephenson material as opposed to material related
22 to this case.

23 Q. Right.

24 A. So it's a mistake for it to even be here. However,
25 I do recall the document. I just don't recall the

1 whole -- I don't recall the context of where it
2 came from, how it ended up.

3 Q. You don't recall drafting it?

4 A. I know I didn't draft it.

5 Q. Now --

6 A. I apologize for that ending up in there even though
7 it's certainly interesting.

8 Q. Mr. Raupe, we were informed by Senator Rucho that
9 you participated in the drafting of the 2011 plans;
10 is that correct?

11 A. That is correct.

12 Q. Can you describe for me generally your role, if
13 any, in drafting House plans. And I want to ask
14 you separately about House and Senate and
15 Congressional.

16 A. Sure. My role in drawing House plans -- first, I
17 probably need to describe for you the entire
18 process and my role in it because that falls into
19 that category.

20 The drafting of plans, as you say, we
21 needed to have one way of judging the accuracy or
22 comparing one set of maps or one set of plans in
23 one set of districts with another, and so we had to
24 have a single database. All of the maps at one
25 point or another were probably funneled -- were

1 likely to have been funneled through my workstation
2 which had Maptitude where we worked and had the
3 same database so that they could compare one with
4 the other.

5 My role in drawing -- specifically related
6 to the House plans, my role in drawing the House
7 plans was merely to take a plan equivalent, which
8 would be a DBF file, database file, metes and
9 bounds, and crunch that into a format that then
10 could be the specifics of that plan demographics,
11 numbers, percentages, all of the things that relate
12 to our database could then be delivered to the
13 House people. So I had very little role, if any,
14 in drawing House plans.

15 Q. Your House role was with regard to crunching data?

16 A. Facilitate, that's correct, just making sure that
17 all their plans -- it was an aid to them.

18 Q. Do you know who did draw the House plans?

19 A. Well, Dr. Hofeller.

20 Q. And did anybody assist Dr. Hofeller in drawing
21 plans?

22 A. Well, Dr. Hofeller assisted the House, and there
23 were certainly people who reviewed his work, so I
24 don't know whether you could say they really
25 assisted him. It's more he assisted them.

1 Q. Now, let's talk about generally your role with
2 regard to the Senate plan in 2011.

3 A. Well, Senate plan -- because I had more familiarity
4 with the personalities in the Senate and because
5 Senator Rucho brought me on board with this effort,
6 I knew more people over there, and so my role in
7 drawing the Senate plan was more of a personal
8 interest.

9 But overall the map -- the final -- when
10 you're talking about a process, it's more of an
11 evolution. I'm sure when you look at these maps
12 you see 2- or 300 different plans, but we had to
13 decide -- I had this discussion with counsel last
14 year that a plan as such isn't so much a plan,
15 sometimes it's just a scratch piece of paper or
16 it's a -- the plan consists of an incomplete state
17 with two state -- two districts juxtaposed against
18 each other and it's given a label and a file name
19 and we move on to something else. It's an
20 extrapolation or a tangential experiment, you know,
21 an attempt to look at what would happen if A and B
22 were the final mix.

23 So my role in all of this was to
24 facilitate, to help the people who had this higher
25 interest, an authoritarian interest in this to see

1 that the data had some integrity to it, that the
2 machines were operating, to print large maps, a lot
3 of just plain graphic artwork involved as well as
4 crunching numbers.

5 Q. Did you sit down at the computer and actually draw
6 districts?

7 A. Occasionally.

8 Q. Draw lines?

9 A. Occasionally, yeah. Most of the time I did that
10 just for --

11 Q. At somebody's direction?

12 A. No. Just experimenting with county groupings to
13 see what would happen with A, B and C. Very little
14 with what I experimented with ended up making the
15 cut.

16 Q. What about the Congressional plan?

17 A. I had almost no input in the Congressional plans
18 other than, again, having someone deliver me a DBF
19 file and we would create a new plan on the
20 Maptitude with a new name and it would be then
21 crunched with the data that they selected that they
22 wanted to have on their reports and they had a menu
23 of data that they could select from.

24 Q. Let's talk a little bit about how and when you got
25 involved in this process. Who retained you,

1 employed you, to assist with these activities
2 you've described for the House, Senate and
3 Congressional plans?

4 A. Senator Rucho.

5 Q. And when did you begin work on these plans?

6 A. Well, there was very little work to do until the
7 Census released its figures. We had some old data
8 from 2000 which was essentially useless. We had
9 Office of Management and Budget data that was
10 essentially useless also because until you know how
11 the counties are going to fall together and how --
12 you know, how things really look, you're just
13 playing.

14 Most of the time I was working on database
15 integrity and learning my way around the machine,
16 learning my way around Maptitude, but I started
17 January of that year, of last year.

18 Q. Early January?

19 A. 1st of January.

20 Q. And were you employed on a contract, a written
21 contract?

22 A. Yes.

23 Q. Have you provided us that contract?

24 A. I believe it's in that stack of stuff. If not, it
25 can certainly be provided for you.

1 Q. Well, I would tell you we've looked and have not
2 found a document that we would --

3 A. If counsel will take note, I will certainly make a
4 point of getting that to you.

5 MR. FARR: I'm not sure that we'll produce
6 that, but I'll give it some thought and let you
7 know.

8 MR. SPEAS: Is it privileged?

9 MR. FARR: I think it's irrelevant.

10 MR. SPEAS: Is there some sort of
11 privilege?

12 MR. FARR: I think it's irrelevant.

13 BY MR. SPEAS:

14 Q. The contract was with you and Senator Rucho?

15 A. Well, you know, you guys are better at contract law
16 than I am. I think it was more of a proposal. And
17 to the extent it was accepted and how I was paid,
18 there was very little discussion about it. I sent
19 a proposal and that's what I can deliver to you.

20 In, I think, November of the previous year
21 I was asked, you know, tell me what -- Senator
22 Rucho asked me "Tell me what it's going to take for
23 you to work for us" and I came up with a proposal,
24 and it was rather detailed, and I sent it to him
25 and I came to work in January, and when I was paid,

1 I figured that then becomes a contract, but you
2 know, I'm --

3 Q. Just to be clear --

4 A. So there wasn't any formal contract as such. It
5 was a proposal, and to the extent they agreed to
6 the proposal, they paid me and, you know.

7 Q. So I understand there was a written proposal --

8 A. Yes.

9 Q. -- that you submitted to Senator Rucho?

10 A. Yes.

11 Q. It was detailed with regard to the task you would
12 perform?

13 A. It was more about detail in regard to the
14 compensation. I was prepared to do whatever I was
15 asked.

16 Q. What was the compensation?

17 A. 3,000 a month plus expenses.

18 Q. And who paid you for your services?

19 A. Fair and Legal Redistricting.

20 Q. What is Fair and Legal Redistricting?

21 A. To my understanding, it's a 501(c) organization
22 much like the -- what was the -- I can't remember
23 the name of the organization that was in 19 --
24 excuse me -- in the early 2000s.

25 I don't really know who's on it, but I met

1 with Mr. Montford who is the secretary-treasurer
2 and he saw to it that I received a check at the end
3 of the month.

4 Q. Was the check a Fair and Legal Redistricting --

5 A. Yes.

6 Q. -- entity check?

7 A. Yes, it was.

8 Q. Who signed the check for Fair and Legal
9 Redistricting?

10 A. Mr. Montford.

11 Q. Now, you submitted the proposal in November, I
12 believe, you said.

13 A. That's correct.

14 Q. And at some point it was orally accepted by Fair
15 and Legal Redistricting, yes?

16 A. Well, it was accepted by Senator Rucho on their
17 behalf, I suppose, since I sent him the proposal
18 and he told me to come to work in January.

19 Q. And you began work in January. Where did you work?

20 A. Worked in an office on the basement floor of the
21 Republican Party headquarters.

22 Q. On Hillsborough Street?

23 A. Yes, sir.

24 Q. And who shared that office with you?

25 A. I had the office to myself.

1 Q. Now, who was your supervisor in the performance of
2 your work?

3 A. I reported to Senator Rucho.

4 Q. Did you report to anyone at the Republican
5 headquarters on Hillsborough Street?

6 A. No.

7 Q. Did you report to Representative Lewis?

8 A. No.

9 Q. Now, who directed your work on this contract?
10 Senator Rucho, is he the one who --

11 A. Who directed my work? Senator Rucho was the final
12 authority on what my tasks were. I was pretty much
13 a self-starter. I knew what I had to do. I knew
14 what had to be done. Senator Rucho and I would
15 meet weekly and more often as the process
16 continued, but Senator Rucho.

17 Q. Did anyone else direct your work other than Senator
18 Rucho?

19 A. No. I certainly made myself available to other
20 people, but no one directed my work.

21 Q. I'm just -- I want to know who directed your work.
22 That's all.

23 In the course of your work, did you report
24 to Representative Lewis at all?

25 A. No. I certainly met with him, but when you say

1 report, you mean give account of myself, give
2 account of my work?

3 Q. Yes.

4 A. No.

5 Q. So Representative Lewis was not directing your
6 work --

7 A. No.

8 Q. -- in the sense Senator Rucho was?

9 A. No.

10 Q. Did any member of the House direct your work or was
11 it only Senator Rucho who directed your work?

12 A. Senator Rucho directed my work.

13 Q. Did you work with Senator Berger?

14 A. Senator Berger came by at one point during the five
15 or six months, however long it was, five months,
16 six months. I saw Senator Berger once during that
17 time. I don't even know why he came by. He came
18 by very briefly and then left.

19 Q. Now, when did your work end? It began in January.
20 When did it end?

21 A. July 28th.

22 Q. It began -- it ended the day the plans were
23 enacted?

24 A. Yes.

25 Q. In the course of your work, did you work with

1 members of the legislative staff?

2 A. No.

3 Q. Did not work with --

4 A. Well, let me back up. I did work with Michael
5 Luethy.

6 Q. Is Michael Luethy --

7 A. I believe he's on Speaker Tillis' staff.

8 Let me see if I can think of anyone else on
9 the staff there.

10 Q. Senator Tillis. You mean Senator Berger?

11 A. No. I mean Speaker Tillis.

12 I had contact with a few staffers but none
13 of the legislative staff as such. When you say
14 legislative staff, do you mean Legislative
15 Services, general legislative staff members or do
16 you mean --

17 Q. Let me just run some names by you and you tell me
18 whether you worked with these people or not.

19 Erika Churchill.

20 A. No.

21 Q. Mr. Frey.

22 A. No. Well, now I did e-mail Mr. Frey the final
23 plans, so we did exchange an e-mail, "Yes, I
24 received it" kind of thing in a last-minute
25 situation in late July, and I knew him from

1 previous years, but during those months I never had
2 any contact with him.

3 Q. Walker Reagan.

4 A. No.

5 Q. Gerry Cohen.

6 A. No.

7 Q. Brent Woodcox.

8 A. Yes.

9 Q. And what was your work with Mr. Woodcox?

10 A. Collaboration on -- as a relay from Senator Rucho
11 or from the Senate Caucus about we need to look at
12 this or we need to look at that possibility and a
13 request was made to try to work something out or
14 work this out or make this change or whatever and
15 he'll get back to you, sort of a making a phone
16 call for someone on behalf of someone like that.
17 We weren't collaborating on any specific projects.

18 Q. He was an intermediary with your work?

19 A. Yeah, on occasion. I rarely saw him.

20 Q. Jason Kay.

21 A. With Speaker Tillis' office?

22 Q. Yes.

23 A. Jason was present in the building toward the late
24 end of the -- toward the latter end of the process,
25 but no, we didn't work together. May have, you

1 know, exchanged information, may have made a
2 request of information, run these numbers on this
3 plan and tell me what they are, something like
4 that, but that's it.

5 Q. Now, did you ever meet with the Senate Republican
6 Caucus to talk about redistricting matters?

7 A. No, not this cycle.

8 Q. Did you attend any meetings of the Senate
9 Redistricting Committee?

10 A. No.

11 Q. And I suppose you did not attend any meetings of
12 the House Redistricting Committee.

13 A. No. Tried to listen in occasionally on the on-line
14 stuff when I had a moment or two, but very little
15 of that.

16 Q. Now, you were housed at the Republican Party
17 headquarters on Hillsborough Street. With whom did
18 you work there?

19 A. Let's see. I had occasional collaborative work
20 with Mr. Babcock with the Senate Caucus, with
21 Scott -- is it Lester? I'm not sure of the
22 spelling of that last name. He works for the House
23 or worked for the House. I think he's now the
24 executive director of the Party, but that's about
25 it.

1 Q. I want to show you some documents. Let's mark this
2 as Exhibit 317.

3 (WHEREUPON, Exhibit 317 was marked for
4 identification.)

5 BY MR. SPEAS:

6 Q. Mr. Raupe, I'm showing you a document marked
7 Exhibit 317 which is an e-mail chain between you
8 and Brent Woodcox. Do you recognize this e-mail?

9 A. Yes.

10 Q. Was one of your responsibilities to acquire the
11 software to use -- that you would use in the
12 performance of your work?

13 A. No, no. Certainly it's upkeep, it's maintenance.
14 If you mean the integrity of databases and making
15 sure layers matched, you know, accurate
16 information, Census block data when the Census
17 information came out, yes, to that extent, yes, but
18 acquiring the software, no.

19 Q. You used a computer in doing your work?

20 A. Yes, sir.

21 Q. So whom did the computer belong?

22 A. The RNC. The Republican National Committee.

23 Q. And you used software in performing your duties.
24 Who held the license to that software?

25 A. The North Carolina Republican Party.

1 Q. And let's mark this as the next exhibit.

2 (WHEREUPON, Exhibit 318 was marked for
3 identification.)

4 BY MR. SPEAS:

5 Q. The court reporter has handed you a document which
6 is Exhibit 318, and let me ask you if you can
7 review that and my question is whether you
8 recognize that as an exchange of e-mail between you
9 and Mr. Woodcox.

10 A. That is correct.

11 Q. And is one of the things that Mr. Woodcox -- that
12 Mr. Woodcox did for you was to provide you the
13 names and addresses of the members of the
14 legislature?

15 A. This is in regards to my attempt to be accurate
16 about where incumbents physically resided. I
17 confess to having some difficulty with that because
18 there wasn't any layer on line with that
19 information, and I made request of Brent -- I
20 actually made a request of Senator Rucho who
21 referred me to Brent to ask him to -- and so this
22 was that request.

23 What he returned to me was, in fact, the
24 election results, you know, which showed their
25 legal addresses from -- which could be post office

1 boxes, you know, rural routes, that sort of thing.
2 It wasn't specific enough. I needed to know, you
3 know, where the rooftop was.

4 And so that's what this was about. This
5 was an attempt to get an accurate incumbent layer
6 for Maptitude.

7 Q. And I'm going to ask the court reporter to mark
8 this as Exhibit 319.

9 (WHEREUPON, Exhibit 319 was marked for
10 identification.)

11 BY MR. SPEAS:

12 Q. Mr. Raupe, is Exhibit 319 an e-mail you received
13 from Senator Rucho on Friday, February 25, 2011, at
14 6:18 in the morning?

15 A. It was a -- yes, it was cc'd to me. It was sent to
16 me and to Russel Peck. Yes, I recognize it.

17 Q. And who is Russel Peck?

18 A. Russel Peck was the executive director of the
19 Republican Party. He left, went to work in
20 Washington DC I want to say April or March.

21 Q. And were you in regular e-mail touch with Senator
22 Rucho?

23 A. No.

24 Q. When you corresponded with Senator Rucho by e-mail,
25 did you use his private e-mail or his Senate

1 e-mail?

2 A. His private.

3 Q. And his private -- this particular document was
4 from his private e-mail, correct?

5 A. I recognize that to be his private e-mail.

6 Q. And why were you corresponding with him using his
7 private e-mail address?

8 A. I was instructed to.

9 Q. By whom?

10 A. Senator Rucho.

11 Q. Now, this document, Exhibit 319, appears to forward
12 to you and Mr. Peck some precinct data.

13 A. Yes.

14 Q. Do you recall receiving precinct data?

15 A. If you'll give me a moment, I want to see if I
16 recognize whether this -- I recognize being sent
17 this along with Russel Peck, but I'm not sure how
18 it related to my work or whether it was even
19 imported.

20 I'm trying to remember -- if I remember
21 correctly, I received this but it was of no
22 relevance to my work since Maptitude was -- as far
23 as I was concerned at that point was of no use
24 until we were finished with our -- it didn't relate
25 to Maptitude. It wasn't transferable to my

1 workstation.

2 I mean, it was interesting information.

3 For me it was just a flat file. I took no note of
4 it as far as I know. I don't even remember opening
5 the file.

6 Q. But precinct data was included in the database that
7 you were using in drawing maps, correct?

8 A. Absolutely, yes, sir.

9 Q. Now, if you will look on the second page of this
10 e-mail, Mr. Raupe, there are references to
11 registration and election data as well. Do you see
12 that?

13 A. Yes, I see that.

14 Q. You acquired election data to use in the
15 performance of your work?

16 A. Is that a question?

17 Q. Yes.

18 A. Not this.

19 Q. Okay. You did not use this data in performing your
20 work?

21 A. No. At this point, without the Census data and
22 without the data in a Maptitude format, it was
23 useless to me.

24 Q. Do you remember when you received the Census data?

25 A. I think I recall it coming out maybe a little ahead

1 of schedule. I want to say -- was it the end of
2 April? I honestly don't remember when.

3 I remember receiving it and being grateful
4 to receive it because it meant, more importantly,
5 knowing that it was out there. I also needed to
6 have it in a Maptitude format and receiving those
7 disks a few days later was even more welcome.

8 MR. SPEAS: Gentlemen, I do not have -- I
9 only have one copy of this particular document.

10 MR. FARR: Can I look at it?

11 THE WITNESS: I recognize these documents.

12 MR. FARR: Does this go together like
13 this?

14 MR. SPEAS: Yes.

15 MR. FARR: Are you going to mark this
16 whole thing?

17 (WHEREUPON, Exhibit 320 was marked for
18 identification.)

19 BY MR. SPEAS:

20 Q. Mr. Raupe, I'm showing you a document marked
21 Exhibit 320, which is an e-mail with several
22 attachments, and I would ask you if you recognize
23 that.

24 A. I do.

25 Q. Tell me what it is.

1 A. Well, this stuff was available pretty early on in
2 the process. It was RNC material, if I'm not
3 mistaken. It showed --

4 Q. Is this Census data?

5 A. See, I remember two sets of documents that came,
6 and this should be in the pile of stuff because it
7 was certainly stuff I had. I don't remember using
8 this, but I remember this stuff.

9 Q. Let me ask you, this e-mail is from Mr. Hofeller to
10 Jason Kay and Brent Woodcox with a copy to you, Tom
11 Farr and Art Pope. Do you remember that?

12 A. Do I remember it being -- no, I don't remember
13 that.

14 Q. And this is RNC data?

15 A. Yes.

16 Q. And it was compiled by RNC?

17 A. I don't know who compiled it. They take credit for
18 it.

19 Q. And in the course of performing your work, did you
20 have contact with Art Pope?

21 A. On one occasion, yeah.

22 Q. And what was that occasion?

23 A. On a Saturday late in the process there was
24 contention about where the district lines should
25 fall in Wake county alone on the House map, and I

1 was asked -- and I don't know by whom at this
2 point -- maybe Representative Lewis -- to aid
3 former Representative Pope in him trying to perfect
4 their maps, make suggestions and see what happens
5 if this was changed or that was changed.

6 Q. Did you meet with Mr. Pope?

7 A. Yes. We worked together at the workstation. He
8 sat next to me.

9 Q. So he came to the Republican headquarters?

10 A. Yes.

11 Q. And you sat together with him and reviewed the Wake
12 county House data?

13 A. Yes.

14 Q. And as a result of those conversations, were
15 changes made in the Wake House lines?

16 A. Changes were made. Whether those ended up in the
17 final draft, I don't know. I know that changes
18 were not made in District 38 and I would say 33.
19 They were sacrosanct.

20 Q. Why was 38 and 33 sacrosanct?

21 A. I'm not sure. I'm not certain.

22 Q. And in the course of performing your duty, you came
23 to understand that 38 and 33 were sacrosanct,
24 correct?

25 A. Well, they were -- at that particular point in that

1 particular setting they were. He made no changes
2 to those districts, or excuse me, suggested no
3 changes to those districts.

4 Q. Was he asked to make suggested changes to 38 and 33
5 or just the other districts?

6 A. I don't know.

7 Q. Was Representative Lewis present on this occasion?

8 A. No.

9 Q. Anybody else present with you and Mr. Pope on this
10 occasion?

11 A. Just myself and Mr. Pope.

12 Q. Now, Exhibit 320 has a lot of data attached to it.
13 Was this data incorporated into your machine out
14 there?

15 A. No.

16 Q. It was not?

17 A. No.

18 Q. Did you have essentially identical data from some
19 other source?

20 A. We had the Census data formatted into the
21 Maptitude, into their format so they could, you
22 know, crunch data, apples compared with apples.
23 This was just interesting stuff, fell into the
24 category of things that just didn't make any
25 difference to the work.

1 Q. Now, you have mentioned the RNC, the Republican
2 National Committee. You had contact with various
3 officials at RNC, I take it.

4 A. Officials?

5 Q. Employees.

6 A. Employees.

7 Q. Did Mr. Hofeller work for RNC?

8 A. I believe so. I met with him on two occasions at
9 their RNC headquarters in Washington, and I knew
10 Dr. Hofeller from the 2002 litigation.

11 Q. Describe the two occasions you went to Washington
12 to meet with Mr. Hofeller.

13 A. I traveled to Washington in November of 2010 or
14 December, may have been early December, to get
15 acquainted with Dr. Hofeller to talk about the
16 coming redistricting session, talk about
17 redistricting in general, talk about Maptitude
18 mostly.

19 And I also met with Mike Wild who was going
20 to be my software contact person because he was an
21 expert on the software, on the mechanical side of
22 things.

23 Then I also went up there for some training
24 under Mike Wild's supervision maybe two or three
25 weeks later in January. I want to say middle to

1 early January I traveled to Washington for that.

2 Q. And in November of 2010 did you attend a conference
3 on that occasion?

4 A. No.

5 Q. That was simply training with Mr. Hofeller?

6 A. Yes.

7 Q. Meeting with Mr. Hofeller?

8 A. Yes.

9 Q. And the training that you received on your second
10 trip, was that for you especially or was it a
11 larger training?

12 A. For me specifically.

13 Q. And you continued to have contact with RNC
14 throughout the performance of your work, correct?

15 A. Yes.

16 (WHEREUPON, Exhibit 321 was marked for
17 identification.)

18 BY MR. SPEAS:

19 Q. Mr. Raupe, Exhibit 321 is an e-mail from Mike Wild
20 to you dated April 15, 2011, and a response. Do
21 you recognize this?

22 A. I do.

23 Q. Mr. Wild asked you if you could send him a quote,
24 BAF.

25 A. Yeah.

1 Q. What does that refer?

2 A. Well, it confused me the same way the first time I
3 read it because I had to think what in the world is
4 he talking about. Well, it was a matter of
5 definition of terms. In this case this was a
6 Maptitude equivalent of a DBF file or a database
7 file which is the stripped-down version of a map
8 plan. I don't recall which plan this was.

9 Q. But in April you received a request from RNC for a
10 Senate plan and you sent a Senate plan to Mr. Wild?

11 A. I responded to -- yes, I responded to his e-mail,
12 uh-huh. And I don't mean this response. I think I
13 delivered probably -- I think -- if I recall
14 correctly, I got on the phone and asked him what he
15 meant by a BAF and we eventually agreed that it was
16 an DBF, an export product of Maptitude, something
17 that had been imported into the machine he wanted
18 to see exported into a DBF database file and that
19 was then e-mailed to him.

20 Q. And it was a Senate plan, Senate redistricting --

21 A. I have to assume it was, yes.

22 Q. Why were you sending draft Senate redistricting
23 plans to the RNC?

24 A. In this case I can only guess that Dr. Hofeller was
25 in town and that he had delivered something for me

1 to crunch data on as everything was and he was just
2 requesting a copy of that maybe for technical
3 reasons. I don't know.

4 Q. Did Senator Rucho ask you to share this plan with
5 the RNC?

6 A. No. I'm not even certain what plan this is.

7 Q. I understand.

8 (WHEREUPON, Exhibit 322 was marked for
9 identification.)

10 BY MR. SPEAS:

11 Q. Let me show you another document and see if you can
12 identify the document that I have placed in front
13 of you which is an e-mail exchange between you and
14 Tom Hofeller in May 2011 attaching a draft letter.

15 A. I recognize this document, if it's what I think it
16 is. Give me a moment, please.

17 Q. Sure, take your time.

18 A. Yes, I was sent a copy of this document.

19 Q. Did you review the document?

20 A. Yes.

21 Q. And did you make suggestions?

22 A. I don't think I did, not in this case, no.

23 Q. And this is a draft letter announcing that Tom
24 Hofeller is leader of the redistricting team for an
25 organization known as RSLC.

1 A. Appears to be.

2 Q. Do you know whether Mr. Hofeller in fact served in
3 that capacity as redistricting team leader?

4 A. I do not.

5 (WHEREUPON, Exhibit 323 was marked for
6 identification.)

7 BY MR. SPEAS:

8 Q. Mr. Raupe, you have another document in front of
9 you which is marked 323, I believe, and it's an
10 e-mail exchange between you and Mr. Wild in June of
11 2011. Do you recognize this document?

12 A. I do.

13 Q. And were you forwarding data to Mr. Wild or was
14 Mr. Wild forwarding data to you?

15 A. Both. This was an attempt -- let me see if I can't
16 give you the context for this. Would that be fair?

17 Q. That would be great.

18 A. We had Census data down to the Census block
19 formatted by Maptitude for North Carolina. What we
20 lacked was election data. We simply had no
21 election data on the Maptitude computer at
22 headquarters there until I made the effort to sit
23 down and figure out how to make that possible.

24 Using the election data that was available
25 from the website, the General Assembly website,

1 this was -- this maps out the process, with Mike
2 Wild's help, of making that election data compile
3 properly as it should, made it readable. It
4 was -- we were trying to make the database offer
5 election data which it could not do until this
6 point.

7 So I ran into great -- I had no formal
8 training with Maptitude on this level, and so I had
9 a flat CSV file, comma-separated values file, and I
10 was trying to get that to work in Maptitude the way
11 our Census data worked and Mike helped me with that
12 difficulty.

13 MR. FARR: When you get to a good breaking
14 point, I need a break. It's up to you.

15 MR. SPEAS: Well, we can take one now.

16 MR. FARR: Great. Thanks.

17 (Brief Recess: 11:00 to 11:09 a.m.)

18 (WHEREUPON, Exhibit 324 was marked for
19 identification.)

20 BY MR. SPEAS:

21 Q. Mr. Raupe, Exhibit 324 is in front of you and it is
22 an e-mail from you to Senator Rucho. Do you recall
23 this e-mail?

24 A. I do.

25 Q. The beginning of the message from you to the

1 senator is: "At the following private link is a
2 spreadsheet with the particulars of a plan."

3 A. Yes.

4 Q. Tell me what the phrase "private link" refers to
5 there.

6 A. It's a link that has -- in this context it is a
7 link to a document prepared for Senator Rucho only.
8 No one else is getting -- it's not published
9 anywhere. That's all it means.

10 Q. And you sent this to Senator Rucho at his private
11 e-mail?

12 A. Yes.

13 Q. And in the second part of this e-mail you say,
14 "Mr. H" -- is that Mr. Hofeller?

15 A. Yes.

16 Q. -- "has cleaned up our latest work in this area,
17 also known as," quote "BH3," close quotes.

18 A. Yes.

19 Q. What work is that?

20 A. Let me think for a second. Okay. This was a map
21 Dr. Hofeller -- a Congressional map Dr. Hofeller
22 was working on. He delivered this. And again, as
23 many -- as most of the work was done in a DBF file
24 that I imported into Maptitude, crunched the
25 numbers, produced the numbers in a spreadsheet

1 format and reproduced that as an HTML document, a
2 web document, for the sake of convenience I think
3 at that particular point.

4 Q. And do you know what BH3 refers to? You say it's a
5 Congressional plan?

6 A. It's the name of a Congressional map.

7 Q. Do you know what BH3 refers to?

8 A. Where -- it refers to a Congressional map. It's a
9 Congressional plan, one in a stage under
10 development.

11 I remember several BH -- I think it stood
12 for Blue Horizon or it was just a wild code name of
13 some kind.

14 (WHEREUPON, Exhibit 325 was marked for
15 identification.)

16 BY MR. SPEAS:

17 Q. Mr. Raupe, Exhibit 325 is in front of you, and
18 would you take a minute to look at that. And it's
19 a communication from Mr. Wild to you.

20 A. Actually, it's from Dr. Hofeller to me forwarding
21 an e-mail from Mr. Wild to Mr. Hofeller and others,
22 so it may be -- hold on a moment.

23 Okay. On occasion -- on occasion I was
24 asked to forward a document or receive a document
25 and Dr. Hofeller would come by and say, "Mike Wild

1 is going to e-mail something to you. Would you
2 give that to me when you receive it."

3 He had trouble getting a connection on his
4 handheld device and he -- we had varying degrees
5 of -- we had pretty good internet connectivity, but
6 they were all wired and I was wireless. So in this
7 case that's what this is, this was a document that
8 was e-mailed to me for printing.

9 Q. All right. Are you aware of the reason that this
10 information was requested?

11 A. No, I am not.

12 Q. The information requested is ACS numbers for the
13 City of Winston-Salem in Forsyth county in
14 North Carolina. Look at the back page.

15 A. Yes, I can see what it is, but I'm not sure what
16 ACS means.

17 Q. That's not something you are familiar with. Okay.

18 A. No.

19 Q. Was Mr. Wild your principal contact at RNC?

20 A. No.

21 Q. Who was your principal contact?

22 A. Dr. Hofeller.

23 Q. Other than Dr. Hofeller, was Mr. Wild your
24 principal contact at RNC?

25 A. For Maptitude software technical issues, yes, but

1 that's all.

2 Q. And so I understand, your relationship with RNC,
3 you were essentially serving as a conduit for
4 sending data to RNC or receiving data from RNC; is
5 that correct?

6 A. No, I wouldn't describe it that way at all.

7 Q. How would you describe your role with RNC?

8 A. Well, I had some advisory capacity. I knew a lot
9 of the personalities involved, but conduit going
10 back and forth, very little back, mostly, you know,
11 when Mr. Hofeller was working on various versions
12 of maps I received them and crunched the data.
13 Sometimes he needed to see the data as we saw it,
14 again, to compare apples with apples. This was a
15 concern, which was one of my primary functions. So
16 integrity of data, quality control is a little bit
17 more than being a conduit.

18 Q. I didn't mean that in a demeaning way.

19 A. Okay.

20 Q. Conduits are important, but you were responsible
21 for assuring that information passing back and
22 forth between RNC and the North Carolina
23 legislature was accurate?

24 A. Not -- I'm not certain -- I'm not certain I can
25 answer that yes or no because -- well, it's not

1 entirely true, it's not entirely not true. It's
2 comprehensive.

3 Q. Give me the comprehensive answer. What was your
4 purpose in relationship to the RNC?

5 A. Well, I was a go-between, but I was not the only
6 go-between. Certainly there were direct
7 conversations with -- between the principals, the
8 chairman and Dr. Hofeller, but it was conversations
9 with people I don't know, people I don't know -- I
10 am not aware of but I knew that it was happening.

11 So I had a particular function in the sense
12 that I was the integrity of the data and was a
13 liaison to some extent, but, you know, on top of
14 everything else was making sure there was enough
15 paper and printers ink which was a problem at
16 times.

17 Q. I'm sure. Let's talk a little bit about your
18 advisory capacity. You mentioned you had an
19 advisory role and you mentioned that you had that
20 role because you knew a lot of the folks involved.
21 Tell me what kind of advice that you provided to
22 Senator Rucho or the RNC and -- or others.

23 A. Not any more complicated than the kind of advice
24 you would have gotten from someone else who was
25 aware of how a community had changed, how a

1 community hadn't changed or what the data reflected
2 or what the -- you know, what the actual numbers
3 were as opposed to what they might be speculated to
4 be and let's try this. I would say it won't work
5 or, you know, vice versa. It wasn't -- it was an
6 informal relationship in that sense.

7 Q. And that was principally with Senator Rucho?

8 A. Yes.

9 Q. Do you recall discussions with Senator Rucho about
10 how communities had changed and, if so, what
11 communities had changed?

12 A. Yes.

13 Q. Can you recount those for me?

14 A. I'll try. There were a lot of conversations about
15 how the demographics of the state had changed, in
16 general, how the population itself had changed when
17 taken in total how a population area might grow but
18 still not be sufficient in size to, you know,
19 accommodate a district that was underpopulated
20 maybe to begin with, had been underpopulated all
21 along, and how there had been vast growth in
22 population in other areas of the state, how Wake
23 county was now leading in population, which was a
24 big surprise for everybody, not that big of a
25 surprise, but some sort of a surprise, that sort of

1 thing.

2 Q. This was a continuing relationship, continuing
3 function you performed for Senator Rucho in drawing
4 the Senate plans especially?

5 A. We often discussed population shifts, demographic
6 shifts.

7 Q. Did you discuss changes in the African American
8 population?

9 A. In the context of the rest of the state, yes,
10 certainly.

11 Q. Can you recall those discussions for me?

12 A. Well, we discussed how the situation in what we
13 called the attempt -- the Luther Jordan situation
14 in the southeastern part of the state, how whether
15 or not there was a cohesive population section --
16 what do you call it -- a VRA Section 2 liability
17 district under necessity in the southeastern part
18 of the state or we discussed how the populations
19 had changed in the northeastern part of the state,
20 in Greenville and Raleigh and Durham and
21 Mecklenburg and the mountains and in Forsyth county
22 too.

23 Q. Were you a principal advisor for Senator Rucho on
24 these issues?

25 A. No, by no means.

1 Q. Were you a regular advisor for Senator Rucho on
2 these issues?

3 A. No.

4 Q. But you were an occasional advisor for Senator
5 Rucho on these issues?

6 A. Yes.

7 Q. Let's mark this as Exhibit 326.

8 (WHEREUPON, Exhibit 326 was marked for
9 identification.)

10 BY MR. SPEAS:

11 Q. Mr. Raupe, I have handed you Exhibit 326 which is
12 an e-mail from you to -- between you and Mr. Wild.
13 Would you take a minute to review this.

14 A. Yes. Thank you.

15 Yep, I remember this.

16 Q. You remember this?

17 A. Uh-huh. The same situation, the election data
18 being imported into the computer was not corrupt
19 but it was duplicative, it wasn't comprehensive,
20 there were some fields missing, and we had -- I was
21 trying -- I was trying to import -- this relates to
22 me importing election data into the Maptitude
23 workstation where I worked.

24 Q. From RNC?

25 A. No. This would be ISD that had been -- in this

1 case, the gamma file you see here attached was a
2 file that Mike prepared to be imported into my
3 machine as a shortcut to the difficulties I was
4 having. It was a way of fixing a problem, which it
5 did.

6 Q. You worked out in the basement of the Republican
7 headquarters, correct, for a period of five months?

8 A. That's correct.

9 Q. Was Mr. Hofeller here on a regular basis during
10 that five-month period?

11 MR. FARR: Objection to the form.

12 You can answer the question if you can.

13 THE WITNESS: Yes.

14 BY MR. SPEAS:

15 Q. And when he came to North Carolina, did he work out
16 of the Republican headquarters on Hillsborough
17 Street?

18 A. At times he did.

19 Q. Did he have an office there?

20 A. No.

21 Q. Did he share your office?

22 A. He worked in my office on occasion, but mostly, no,
23 he worked out in the open areas.

24 Q. And when did you first meet Mr. Hofeller?

25 A. I met Dr. Hofeller, I believe in 2001 or 2002.

1 Q. As a part of your work with Senator Ballantine?
2 A. Correct.
3 Q. Did you work with Dale Oldham?
4 A. Yes.
5 Q. Who is Dale Oldham?
6 A. Dale -- I'm not sure exactly where he works,
7 whether he's a subcontracted employee or what, but
8 he is a lawyer from, I believe, Columbia,
9 South Carolina. He is a redistricting expert, a
10 mapping expert.
11 Q. And did you work with Mr. Oldham?
12 A. Yeah, an occasion.
13 Q. And what was Mr. Oldham's responsibility?
14 A. I'm not certain what his responsibilities were.
15 Q. Was he working on the House maps?
16 A. He was work -- he worked on -- he had input into
17 all the maps.
18 Q. And was Mr. Oldham in Raleigh on a regular basis?
19 MR. FARR: Objection.
20 Go ahead and answer.
21 THE WITNESS: Yes.
22 BY MR. SPEAS:
23 Q. And did he work out of the Republican headquarters
24 on Hillsborough Street?
25 A. In part.

1 Q. And did he use your computer and the Maptitude
2 software in performing his work?

3 A. He used the Maptitude software, but he had his own
4 copy, his own license.

5 Q. And do you know John Morgan?

6 A. Yes.

7 Q. And who is John Morgan?

8 A. John Morgan is a private subcontractor, I believe,
9 from I want to say Alexandria, Virginia, also an
10 expert. I'm not certain if he's an attorney.

11 Q. When did you first meet John Morgan?

12 A. I met John Morgan in 2002, 2003.

13 Q. When did you first meet Dale Oldham?

14 A. 2002 or 2003. I'm not certain.

15 Q. In the 2011 redistricting cycle, what was
16 Mr. Morgan's focus?

17 A. In what cycle?

18 Q. In the 2011 redistricting cycle, what was
19 Mr. Morgan's focus?

20 A. John was called in on occasion to solve thorny
21 issues or to double-check on the mapping solution
22 to see if a thorny problem could be fixed. He was
23 brought in as an additional pair of hands and eyes
24 to handle workload when it got to be pretty thick.
25 He was not -- he was not there on a regular

1 basis. At the end he was -- he was brought in at
2 least twice to handle thorny issues.

3 Q. And what were those two occasions he was brought in
4 to handle thorny issues?

5 A. What were the occasions?

6 Q. Yes.

7 A. I'm not certain.

8 Q. But you remember he was brought in twice?

9 A. Yes, at least.

10 Q. And was he brought in to handle thorny issues about
11 the Senate plan or the House plan or the
12 Congressional plan?

13 A. Well, at the point he was working there,
14 Congressional plan and the House plan, I would say.
15 I'm not certain whether he had any input into the
16 Senate plan.

17 Q. Most of your work was with the Senate plan, am I
18 correct?

19 A. Well, yes.

20 Q. Most of your map drawing function was with the
21 Senate plan?

22 A. Yes.

23 Q. Who else participated in drawing the Senate plans?

24 A. Well, we had input from -- I had some suggestions.
25 We were working -- I worked on a few -- to see if

1 problems could be solved in various parts of the
2 Senate plan. Overall I had very little input into
3 that as well, but I worked in collaboration with
4 Nathan Babcock who works for the Senate Caucus at
5 the Republican headquarters. We were double teamed
6 on issues here and there along the way, and we
7 would come up with different solutions, maybe see
8 if we could hammer out the differences between the
9 two.

10 Q. Do you recall specific examples?

11 A. Yes.

12 Q. Can you --

13 A. Cumberland county and Hoke county.

14 Q. What was the Cumberland/Hoke issue?

15 A. Well, Nathan believed -- I was more of a strong
16 proponent of the pod -- excuse me -- the county
17 grouping integrity being where the chips fall where
18 they must and Nathan would try to find a way around
19 it by, you know, saying that a district could be
20 drawn more to our favor if this was true or that
21 was true, and I would -- so it had to do with the
22 shape of the minority-majority district in
23 Cumberland county, whether it should be combined
24 with Hoke or not, whether a county grouping should
25 be collapsed in order to accommodate a minority

1 district by allowing this sort of flexibility and
2 that sort of flexibility and that kind of thing.

3 I'm trying to think if we worked on
4 anything else together, and I don't recall --

5 Q. Durham/Granville?

6 A. No.

7 Q. Guilford/Forsyth?

8 A. Yes. Yeah, Guilford/Forsyth, I played around with
9 that quite a bit because I was interested in seeing
10 what it would take to create a minority-majority
11 district in Forsyth county. The population didn't
12 support it and just from flat numbers. So -- it
13 certainly did on the House plan or it could have on
14 the House plan, but the population wasn't there for
15 a Senate district any more and it was an issue that
16 was left over from last time where the deviation in
17 Forsyth county as a whole county with two districts
18 was negative 4.95 percent, so it was right on the
19 border in 2000 or 2002.

20 And so we experimented with ways to gather
21 up population out of -- or share population with
22 Guilford county and whether that could be done. So
23 it was a lot of experiments with, you know, what if
24 sort of thing. I was one of those people -- I had
25 time on my hands for that sort of thing.

1 Q. Is it fair to say that you were the idea man,
2 Mr. Raupe?

3 MR. PETERS: Objection.

4 THE WITNESS: No, not the idea man by any
5 means.

6 BY MR. SPEAS:

7 Q. Is it fair to say you are an idea man?

8 MR. PETERS: Objection.

9 MR. FARR: Objection.

10 THE WITNESS: I suppose.

11 BY MR. SPEAS:

12 Q. Now, did you go out and meet with local officials
13 and discuss with local officials local
14 circumstances as a part of your duties or how their
15 needs could be met or should be met in drawing
16 plans?

17 A. Never.

18 Q. Did you attend the public hearings that were held
19 by the legislature?

20 A. No. I believe you asked me that.

21 Q. Okay. Well, I'm sorry.

22 A. That's okay.

23 Q. Did you review the public hearing comments?

24 A. I did listen in on some of the public hearings that
25 were broadcast on line when I had time. There was

1 very little time for that sort of thing either,
2 though. And -- but that's it. I haven't read any
3 of the transcripts.

4 Q. You were interested in clusters or pods, I take it
5 from your testimony.

6 A. Stephenson county combinations?

7 Q. Yes.

8 A. Everybody has a different term. I prefer --
9 because I was a close friend with -- Ashley
10 Stephenson was my good friend so I tend to name the
11 Stephenson combinations maybe just to be ornery.

12 Yes, I was interested in that.

13 Q. And you worked on those issues?

14 A. Yes.

15 Q. And that was part of the experimentation with maps
16 that you're talking about?

17 A. We were always looking to see what the most ideal,
18 compliant county grouping would be for the state.
19 We tried to find ways around double bunking
20 incumbents, which was made necessary by that
21 ruling, but we often could not find a way around
22 it. Somebody had to struggle to see if it could be
23 done before we -- you know, before we made public
24 something because it was -- it was clearly going to
25 put two Republican incumbents in the same district,

1 that sort of thing.

2 Q. Did you receive any directions from Senator Rucho
3 with respect to how to comply with the Whole County
4 Provision of the Constitution or is this something
5 you advised Senator Rucho about?

6 A. I think there was discussion about it, but I don't
7 know that I received direction about it except
8 that, yes -- the answer is yes, yes, there was.

9 Q. What were those instructions?

10 A. Well, he reiterated during the course of a
11 conversation more than once that he wanted to be
12 compliant with the law, with Stephenson, and the
13 other decisions that have come down the line since.

14 Q. Do you recall when you had those conversations with
15 Senator Rucho?

16 A. No. Not specifically, no.

17 Q. Did you ever create a cluster map for the Senate,
18 or pod map, whatever you want to call it, grouping
19 map?

20 A. Yes.

21 Q. Do you recall when you did that?

22 A. Well, yeah, probably soon after the Senate --
23 excuse me. Soon after the Census figures came out,
24 I attempted to see what would happen in a blind
25 attempt. However, none of the -- none of the

1 cluster maps that I developed turned out to be
2 anywhere near what they should have been, could
3 have been, so there were others who were better at
4 that.

5 Q. And who were the others better at that?

6 A. Dale Oldham was primarily concerned with county
7 groupings. That was his forte.

8 Q. Both Senate and House county groupings?

9 A. Yes.

10 Q. And did you have discussions with Mr. Oldham about
11 county groupings?

12 A. We had discussions about grouping theory and about
13 how -- well, you do this and you can't do that.

14 One of the problems with the House county
15 grouping maps supported 121 districts within the
16 five percent deviation or ten percent deviation,
17 depending on how you look at it, and how that
18 problem could be solved or couldn't be solved.

19 Q. Let's talk about --

20 A. Mostly what we were handicapped by, what we could
21 not do because of the law.

22 Q. And what could you not do?

23 A. Well, we couldn't get around combining three
24 counties in the west that put two incumbents
25 together on the Senate and House maps. There were

1 problems like that.

2 Q. Let's talk about grouping theory a little bit. Did
3 you and Mr. Oldham discuss the question of whether
4 the Whole County Provision compliance is measured
5 by the number of counties kept whole?

6 A. You maximize the number of single county -- we
7 discussed the Stephenson decision, Justice Lake's
8 outline and how that -- what was very strict about
9 maximizing single county combinations, two-county
10 combinations, that sort of thing.

11 Q. So describe for me your understanding of the
12 requirements -- Justice Lake's requirements.

13 MR. FARR: Objection.

14 You can answer it if you can.

15 THE WITNESS: I would defer to
16 Mr. Hofeller -- excuse me -- Mr. Oldham's expertise
17 in the area. He studied the question in more
18 detail longer than I have.

19 But my understanding is that -- I'm a big
20 fan of Justice Lake's decision. It did take the
21 2002 plans and throw them out as unconstitutional,
22 but it was still -- I thought it was a brilliant
23 harmonization of federal law and the clear intent
24 of the people who wrote the constitution to protect
25 against incumbency self protection, to put some

1 limit on the legislature insofar as it could write
2 their own -- pick their own voters, but the beauty
3 of it is -- it gets lost through the years. It's
4 not as fresh in my mind as it was in Dale Oldham's
5 mind.

6 BY MR. SPEAS:

7 Q. You defer to Mr. Oldham on these issues?

8 A. Yes. Our conversations were more -- almost like a
9 student and an apprentice.

10 Q. And you were the apprentice?

11 A. In this case I was certainly the student.

12 Q. And was there some software available to you to
13 determine the number of potential clusters?

14 A. No, no, there wasn't any -- there was no function
15 in Maptitude, which was the only software we used,
16 that dealt with the whole counties or county
17 combinations.

18 Q. So how would you go about identifying the possible
19 pods or clusters or groups?

20 A. Well, a county either stands on its own or it does
21 not. Insofar as you have latitude after you dealt
22 with voting rights protections, you take -- you --
23 we would use Maptitude, we would create district
24 plans that were -- they were calculated for the
25 Senate as if they were a 50 district plan, for

1 example, and you would simply -- the Maptitude
2 allowed for multimember districts.

3 So if you set a deviation of five percent,
4 ten percent, then you would create a multimember
5 district. And if that qualified mathematically,
6 then that would be a county combination. If it
7 could be subdivided into -- you know, then you
8 would subdivide it into whole counties, so you
9 would create a whole county district plan
10 basically.

11 Q. So with Maptitude you could identify the counties
12 that stand alone?

13 A. Yeah. The Census data and a calculator could do
14 the same thing.

15 Q. And with the Maptitude you could also identify
16 potential multimember districts?

17 A. Yes, multimember districts for the purposes of
18 subdivision.

19 Q. So if you had a multimember district with two
20 members, you would have to divide the district
21 once. If you had one with three, you would have to
22 divide --

23 A. You asked about county groupings and the county
24 groupings were for the purposes of creating
25 districts after that.

1 You know, if the district could not be
2 subdivided, then you would -- it couldn't be
3 subdivided without splitting a county, then you
4 would subdivide it after you reached a final, you
5 know, determination of how many county combinations
6 you could maximize.

7 Your whole counties, they stand alone. If
8 they're two-county groupings, if -- there are often
9 more than one that one county could be grouped,
10 Wake county could be grouped with Durham county,
11 Wake county could be grouped with Franklin county,
12 but there's only one maximum number of two-county
13 combinations.

14 Q. And did you have the capacity to determine the
15 maximum number of two-county combinations?

16 A. The capacity, yes. Whether I had the wherewithal
17 is another story.

18 Q. And did you ever determine the maximum number of
19 two-county combinations?

20 A. I did not.

21 Q. Did Mr. Oldham?

22 A. Yes.

23 Q. And how did he do that?

24 A. With a calculator and a large map of North Carolina
25 with county names and populations.

1 Q. And did you ever determine the maximum number of
2 three-county combinations?

3 A. Did I?

4 Q. Yes.

5 A. No.

6 Q. Did Mr. Oldham?

7 A. I believe so.

8 Q. And how did he do that?

9 A. The way I've described.

10 Q. And on down the line, did he determine the maximum
11 number of four-county combinations?

12 A. Yes.

13 Q. Do you know whether RNC had the capacity to make
14 these grouping or clustering determinations?

15 A. I do not.

16 Q. Do you know whether Mr. Oldham relied on the RNC to
17 help him with these calculations?

18 A. No, I don't know that.

19 Q. Now, you indicated a minute ago that you tinkered,
20 I guess maybe is a fair word, at clusters; is that
21 correct?

22 A. Yes.

23 Q. But your clustering concepts were not used in the
24 end?

25 A. Well, not entirely, no. There were areas of the

1 state that were problematic that stood out
2 immediately in the west, in the east.

3 In the east, you know -- the further west
4 you go, when you're dealing with a 40 county Voting
5 Rights Act counties and protecting minority
6 districts, there were areas of the state that just
7 could not be determined until minority districts
8 were settled, but there were areas in the west
9 where you could start to begin to see things fall
10 together. You could only go so far with that,
11 though, because it's just like a carpet, you pull
12 up one end and the other end comes up, you know.

13 How it finally -- how a two-county
14 combination in the center of the state fell
15 together, for example, was not determined until the
16 very end of the process.

17 Q. Was the county clustering determination made at the
18 end of the process? Is that what I hear you
19 saying?

20 A. The final county combination was determined at the
21 end of the process, that's correct, of necessity.

22 Q. Did you ever revise cluster maps that you had drawn
23 or that others had drawn?

24 A. Yes.

25 Q. Would it be correct that your first task was

1 investigating clustering possibilities and your
2 last task was investigating clustering
3 possibilities?

4 MR. FARR: Objection.

5 I don't like the way it was asked, but you
6 can answer it.

7 THE WITNESS: Well, I'll try to answer it.
8 Those are two different responsibilities.
9 Beginning was more or less experimentation, rough
10 sketches, back-of-the-envelope sort of thing, even
11 if it was done on Maptitude.

12 At the end it was more a formal -- and it
13 wasn't my primary responsibility. It was my
14 responsibility to see that it was deliverable but
15 that's it.

16 BY MR. SPEAS:

17 Q. What do you mean deliverable?

18 A. Well, deliverable in the sense that everything had
19 to go through the same funnel to see the same --
20 everything had to compare apples with apples, maps
21 with maps, plans with plans. Everything had to go
22 through the Maptitude work station I did and so
23 that would be it.

24 Deliverable would be once that process is
25 complete and you have data that can be delivered

1 based on that plan.

2 Q. Who made the final determination with regard to the
3 clustering of the Senate plan?

4 A. The Senate of North Carolina, I imagine.

5 Q. Senator Rucho?

6 A. I would guess that he had a part to play in the end
7 of it, yeah.

8 Q. And who was the senator -- who was Senator Rucho's
9 principal advisor with regard to clustering? Was
10 it Mr. Oldham?

11 A. Principal advisor, probably working through
12 Dr. Hofeller. I'm certain they had interaction,
13 Mr. Oldham and Senator Rucho.

14 Q. Did you receive any instructions from Senator Rucho
15 with regard to the drawing of Voting Rights
16 districts?

17 A. I was asked -- the answer is yes.

18 Q. What were those instructions?

19 A. Well, I remember being instructed to assist him in
20 determining the possibilities of and
21 consequences -- or I'm trying to think of the term,
22 but there was some question about where a third
23 minority district in the east should be placed and
24 one that was more to the southeast or one that was
25 closer to Greenville and Kinston, and then again,

1 it was the Forsyth county I was asked to continue
2 my attempts to figure out what could be done there
3 if the county groupings fell together in such a way
4 that it became reasonable.

5 And we worked together on Mecklenburg
6 county, although what we did was not on the final
7 map.

8 Q. Did you have any understanding as to the percentage
9 of African American population to be included in
10 the Voting Rights districts?

11 A. It was my understanding that since the last cycle
12 we needed to create minority districts to include
13 50 percent plus one of African American voting age
14 population. That was my understanding.

15 Q. Where did you acquire that understanding?

16 A. Well, in the years since I've followed -- I believe
17 it was the Strickland case.

18 Q. Did Senator Rucho tell you that?

19 A. No. I was aware of that before.

20 Q. It was a given?

21 A. It was a given.

22 Q. Did you receive any instructions from Senator Rucho
23 about the number of VRA districts to draw?

24 A. No.

25 Q. Do you have any understanding as to -- well, let me

1 rephrase that.

2 When you were drawing districts -- did you
3 yourself draw any VRA districts?

4 A. Yes.

5 Q. All right. And how many VRA districts did you
6 draw?

7 A. I had a role to play in drawing districts in the
8 northeast, in Mecklenburg county, to some extent
9 Wake county, but that was -- a lot of these were
10 group efforts and very little of it ended up
11 looking -- you couldn't look at a map and see -- I
12 might be able to see an influence that I had in a
13 district, but I can't necessarily see the district
14 that I drew, you know, on the map today.

15 Q. And you said it was a group effort. Who were the
16 members of that group?

17 A. Well, Dr. Hofeller, Senator Rucho giving me
18 information from his sources, you know. That's
19 about it.

20 Q. Let's talk a little bit more about clusters. Let's
21 mark this as Exhibit 327.

22 (WHEREUPON, Exhibit 327 was marked for
23 identification.)

24 BY MR. SPEAS:

25 Q. You have Exhibit 327 in front of you. Do you

1 recognize this document?

2 A. I sure do.

3 Q. And did you have a hand in preparing this document?

4 A. No.

5 Q. Do you know who prepared this document?

6 A. Dr. Hofeller.

7 Q. The e-mail --

8 A. If it indeed is what I think it is.

9 Q. Well, take a minute to make sure.

10 A. Thank you. It looks like a document that
11 Dr. Hofeller prepared that was based on preliminary
12 Census data as opposed to specific Census data
13 which we received preliminary data. Statewide
14 population data was released earlier in the process
15 and from that county combination ranges were
16 prepared. Dr. Hofeller in this referred to a few
17 times along the way.

18 Q. This particular document was sent by Mr. Hofeller
19 to you and Art Pope, is that correct, among others?

20 A. I see his name on here, yes.

21 Q. Did you have a meeting with Art Pope about
22 clusters?

23 A. No.

24 Q. Did you use this chart in performing your
25 clustering work?

1 A. There were occasions when we had large clusters
2 that were mind boggling and we would refer to the
3 chart, let me get Dr. Hofeller's chart out to look
4 at it because we remembered that this existed and
5 see if -- because there were times where you would
6 just get -- the deviations on a large cluster would
7 be so mind boggling that we would want to look at
8 something to double-check to see if we were being
9 accurate or not.

10 So, yeah, I looked back at this document on
11 occasion as a reference material.

12 Q. And in the second page of this document
13 Dr. Hofeller has set out for the House clusters
14 ranging from a cluster of one to a cluster of 12,
15 correct? First page. I'm sorry, you're looking at
16 the wrong page.

17 A. Oh, yes. That's correct.

18 Q. And the Senate from a cluster of one district to
19 seven districts, correct?

20 A. Yes, sir.

21 Q. And help me understand this chart. And let's look
22 at the column labeled Chamber and let's look at the
23 last entry for the House which is 12 districts in
24 the cluster, correct?

25 A. That's what it says, yes, sir.

1 Q. And the next column is Ideal Minus 5 Percent which
2 means that ideal minus five percent for a district
3 with 12 clusters was 905,867 --

4 MR. FARR: I think you meant 12 districts
5 in a cluster. You said 12 clusters.

6 MR. SPEAS: I'm sorry. 12 districts in a
7 cluster; is that correct?

8 THE WITNESS: That's correct.

9 BY MR. SPEAS:

10 Q. And the ideal population for this 12-district
11 cluster would have been 953,544?

12 A. Yes, that would be the zero deviation number.

13 Q. And the Ideal Plus 5 Percent, the last column, is
14 1,001,221 persons. What does that number signify?

15 A. That would be the maximum number of people in a ten
16 percent deviation plus or minus five percent
17 according to Dr. Hofeller.

18 Q. And let's look at the last page of this
19 Exhibit 327. And in this particular document
20 Mr. Hofeller has expanded the number of the
21 districts in the cluster from as many as 12 to as
22 many as 22; is that correct?

23 A. That's what it appears to be, yes.

24 Q. And in the Senate he's expanded the number in the
25 cluster from seven to as many as 12?

1 A. That's what it appears to say, yes.

2 Q. And you used this particular document in your work?

3 A. We referred to it on occasion.

4 Q. For what purpose did you use it?

5 A. Reference, just to double-check figures, because
6 I'll be honest with you, math is not my forte, it's
7 not my first skill, and I depend on computers very,
8 very much, but I've learned to question my data
9 especially when you get -- when you get a large
10 deviation like this. Sometimes, as you can see,
11 they overlap.

12 Q. Let me ask the court reporter to mark this next
13 document as 328.

14 (WHEREUPON, Exhibit 328 was marked for
15 identification.)

16 BY MR. SPEAS:

17 Q. You have Exhibit 328 in front of you, and this is
18 an e-mail chain from March of 2011. I'd like for
19 you to look at the final entry in that e-mail chain
20 which is from you to Bob Rucho at his private
21 e-mail address dated March 7, 2011, at 12:32 p.m.
22 Would you read that, please.

23 A. It actually begins on the previous page, doesn't
24 it?

25 Q. Yes.

1 A. Yes, I'm aware of what this is.

2 Q. And the last paragraph of that states: "In the
3 meantime, at Tom Farr's request I am plotting the
4 maximum number of county combinations for the
5 Senate and, by your leave, for the House also.
6 These should be ready tonight or tomorrow."

7 A. Yeah, I wrote that.

8 Q. Did you do that?

9 A. I believe I did. This would, as it turns out, be a
10 vain effort because it was -- a useless exercise.
11 Again, without first deciding what the minority
12 districts were going to be, it's an exercise in
13 futility.

14 Q. Did you ever respond to Senator Rucho with a number
15 of -- maximum number of county combinations for the
16 Senate even though later you found --

17 A. I may have shown him my work and said pretty much
18 what I just told you that it was an exercise in
19 futility and showed him variations, you know, this
20 combined with that, we can do this with that, but
21 look what happens if we do this, that combined.
22 Start seeing the problems. Particularly west of
23 the center part of the state because everything
24 else was in play.

25 Q. And by your leave, did you also provide maximum

1 number of --

2 A. I did not.

3 Q. And this is 329.

4 (WHEREUPON, Exhibit 329 was marked for
5 identification.)

6 BY MR. SPEAS:

7 Q. This is a series of e-mails between you and
8 Mr. Hofeller and I think Mr. Farr in March of 2011.
9 Apparently it coincided with the birth of your
10 grandson.

11 A. Indeed it did.

12 Q. Congratulations.

13 A. Thank you very much.

14 Q. My interest is about the clustering.

15 A. Yes, I recall this was -- this was my attempt to
16 answer not his query but the final county
17 combinations, and it was a mind boggling
18 spreadsheet, as you can see here.

19 I never did come up with a proper way to
20 lay out this data, but I tried to -- it was an
21 attempt on my part to sit down and go county by
22 county and see which counties could combine with
23 other counties to which they were contiguous and
24 just to see what the possibilities were, see if I
25 could come up with a menu for reference in the

1 future.

2 To some extent I succeeded, but when you
3 get into the five or six county levels you start
4 running out of columns and it just becomes another
5 exercise in futility.

6 But this may have been what I showed
7 Senator Rucho. I think I may have started on that
8 with the House as well but didn't get very far with
9 it.

10 Q. Did you use Maptitude to prepare this document --

11 A. Let me think.

12 Q. -- this chart?

13 A. You know, I used a calculator and a list of county
14 populations on -- starting with a list of the
15 counties, list of county populations and I used a
16 map to determine -- just looking at a map where
17 they were. I don't think I used Maptitude for this
18 project.

19 Q. And so you would look --

20 A. I used the computer calculator.

21 Q. You would look at a map, you would identify the
22 county, you determined the county's population --

23 A. And to which they were contiguous.

24 Q. And to which they were contiguous?

25 A. That's right.

1 Q. And from that information you made an effort to
2 calculate --

3 A. An effort.

4 Q. -- which could be grouped and if they could be
5 grouped, how many districts would be contained
6 within the group?

7 A. Well, whether they were subdividable. I didn't --
8 yes, I guess that would be a byproduct of that.

9 Q. And there's a map attached -- actually, two maps
10 attached. Would you look at these two maps.

11 A. You'll see Dr. Hofeller's reference document
12 inserted, but this is a big, graphical file. I may
13 have used Maptitude to create it. I'm not certain.
14 I think I used actually a graphical arts program
15 called paint.net which is an open source program
16 and used it to create most of the printed material.

17 And in this case, this was a quick
18 reference tool in an attempt to look at county
19 combinations and what could be readily combined and
20 what couldn't if -- from the standpoint of being
21 blind. It turns out to have been a complete -- I
22 don't think it was incorrect, but it was -- it was
23 hardly anything like comprehensive. It was part of
24 that effort.

25 Q. And there's a difference in the two maps or there

1 are two maps anyway. What is the difference
2 between the two maps?

3 A. Give me a moment. I see it. An error probably
4 from a pointer overlay that popped up during a
5 screen grab that District 12 overage of Jones
6 county, that's an error. I see some over arrows
7 missing from the Mecklenburg area. I showed even
8 though Mecklenburg was a whole county it could be
9 combined with other counties contiguous with it.

10 Q. And did you provide this map to Senator Rucho?

11 A. I believe I did, yes.

12 Q. And you provided this map to Senator Rucho on or
13 about March 18, 2011?

14 A. I believe I did, yes.

15 Q. Did Mr. Oldham assist you in developing this chart
16 or these maps?

17 A. No.

18 Q. Now, let's mark this as Exhibit 330.

19 (WHEREUPON, Exhibit 330 was marked for
20 identification.)

21 BY MR. SPEAS:

22 Q. Exhibit 330, Mr. Raupe, is a March 21, 2011, e-mail
23 from Tom Hofeller to you forwarding Senate plan
24 draft with an N.C. Senate pod attachment and the
25 message "Not for public disclosure."

1 Do you recall receiving this from

2 senator -- excuse me -- from Mr. Hofeller?

3 A. Yes.

4 Q. And was this cluster map prepared by Mr. Hofeller?

5 A. I believe it was. I received it from Dr. Hofeller,
6 yes.

7 Q. And why was it sent to you? Were you to review it?

8 A. For my information.

9 Q. And did you review this particular cluster map?

10 A. Yes.

11 Q. And did you make any determination as to whether it
12 was consistent with the Stephenson decision or not?

13 A. Yes.

14 Q. What decision did you make?

15 A. That it was a good beginning, that there were
16 clearly problems with a huge county cluster in the
17 east, there was a thorny problem in the west that
18 involved double bunking incumbents that
19 Dr. Hofeller seemed to believe could not be solved
20 and still be compliant with Stephenson. It's the
21 Burke/Cleveland county combination.

22 Q. And is the large cluster or combination in the east
23 to which you referred the 18 county, seven district
24 cluster in green in the middle of the eastern part
25 of the state?

1 A. You mean green colored?

2 Q. I'm sorry.

3 A. I thought I was going color blind for a second.

4 Yes, I see what you're talking about.

5 Q. Is it the cluster labeled 18-07-C19?

6 A. Is it what now?

7 MR. FARR: Can I ask a question? Could
8 you make the color copy part of the deposition?

9 MR. SPEAS: I will. I will.

10 BY MR. SPEAS:

11 Q. Is it the cluster labeled 18-07-C19?

12 A. Is it what, though?

13 Q. Is that the large cluster in the east?

14 A. Yeah, that's a large cluster in the east that I
15 thought was -- I just couldn't imagine having to
16 live with something like that.

17 Q. Can we substitute that color version for the black
18 and white version and all of it will be a --

19 MR. FARR: Do you want your note off of
20 it, Eddie?

21 MR. SPEAS: Yes, I do. Thank you.

22 MS. EARLS: We also had a color map for
23 Exhibit 329 and you have the color and he has the
24 black and white.

25 THE WITNESS: I can live with a black and

1 white copy.

2 MR. SPEAS: You can, but we need to take
3 care of the court reporter.

4 So we're going to substitute these two
5 color maps for the black and white maps on
6 Exhibit 329.

7 Thank you for catching that.

8 MR. FARR: Hang on just a second. When
9 you're done, let's make sure we've got 330 put back
10 together.

11 THE WITNESS: Yes. I'm getting confused
12 here.

13 MR. FARR: Why don't you hand it to
14 counsel to figure it out.

15 THE WITNESS: I'm confused which belongs
16 to what.

17 MR. FARR: I think he has it correctly.

18 THE WITNESS: Is this part of 330?

19 MS. EARLS: Yes.

20 MR. SPEAS: 329 is correct and 330 is now
21 correct.

22 Let's mark this as 331.

23 (WHEREUPON, Exhibit 331 was marked for
24 identification.)

25 BY MR. SPEAS:

1 Q. Mr. Raupe, I put in front of you an e-mail from you
2 to Tom Hofeller dated April 19, 2011, at 7:30 p.m.
3 The subject is "Interesting Map."

4 Would you take a minute to look at the
5 e-mail in the attached map.

6 MR. FARR: Do you have a colored version
7 of this?

8 MR. SPEAS: I do not.

9 THE WITNESS: Yes, I'm familiar with this.

10 BY MR. SPEAS:

11 Q. And this appears to be something you provided to
12 Mr. Hofeller in response to something that he had
13 provided you.

14 The first sentence is, "Yes, indeed, these
15 look very promising, and more compact than the
16 triple decker demonstrated last week."

17 A. All right. This is Dr. Hofeller's work. It was
18 sent to me, and I was asked to look at these, and
19 we were -- he was aware that I was working on a way
20 of working a new minority district in the northeast
21 around Greenville and Lenoir and this was his
22 attempt to do the same thing.

23 He's a much better map drawer than I am so
24 he was able to come up with a superior looking
25 product.

1 I'm not sure what the final -- I'm not sure
2 where this ended up in the process, but this was
3 part of that process of working on the northeast.

4 Q. And the question that Mr. Hofeller asked you is
5 whether these districts appear reasonably compact,
6 correct?

7 A. That's his question, yes.

8 Q. And your response is, "Yes, indeed"?

9 A. Yes, they looked compact, I guess. I'm not -- it
10 was just an esthetic response. It looked better
11 than what I had drawn.

12 Q. And is what you had drawn the triple-decker
13 combination?

14 A. Well, triple decker in the sense that I had -- you
15 probably saw some of these created maps that were
16 more east-west, you know. They were of different
17 configurations and maybe the term triple decker was
18 used to describe one of those configurations.
19 There was more than one attempt to come up with a
20 solution in this area.

21 Dr. Hofeller obviously had time to work on
22 it. As I recall correctly, he sent this to me to
23 show me what he had done.

24 Q. But from this e-mail and this map, is it fair to
25 say, Mr. Raupe, that on April 19 and you

1 Mr. Hofeller were actively engaged in drawing
2 Senate VRA districts?

3 MR. FARR: Object to the form.

4 You may answer it.

5 THE WITNESS: Yes.

6 MR. FARR: Just so I don't have to say
7 this any more, if I object, it's going to be
8 because there's a term or something that I don't
9 agree with. I'm not going to say you can answer
10 the question. You may answer the question when I
11 object. All right?

12 THE WITNESS: Okay.

13 MR. FARR: Unless I tell you not to.

14 MR. SPEAS: Let's mark this as 332.

15 (WHEREUPON, Exhibit 332 was marked for
16 identification.)

17 BY MR. SPEAS:

18 Q. And this time I am handing you the color and
19 counsel gets black and white.

20 Mr. Raupe, this is an e-mail dated May 20,
21 2011, from Tom Hofeller to John Morgan. Can you
22 take a look at this and tell me whether you've seen
23 it or not.

24 A. No. I'll look at the map. Yes, I've seen the map.
25 I'm not sure that I have seen that e-mail, but I've

1 seen the map.

2 Q. And, Mr. Raupe, in the body of the e-mail
3 Mr. Hofeller says, "John: Here is a cluster chart
4 and the House map as we left it in Raleigh last
5 time we were there -- but before Raupe started
6 modifying it. Hope you find them useful."

7 I take it that you were assigned
8 responsibility to modify the cluster map attached
9 to this exhibit; is that correct?

10 A. I volunteered to see what could be done with this
11 large cluster in the southeast. A lot of water
12 went under the bridge after this was done, but I
13 wasn't the only one who considered this
14 problematic.

15 I'm not sure who else was involved, but I
16 recall that being a volunteering to see what I
17 could do with this to see how that would layout, to
18 see what districts would happen if we used that
19 cluster.

20 Q. What was problematic about that cluster?

21 A. It was too large.

22 Q. What's wrong with being too large?

23 A. Well, if it can't be -- it was a way of solving the
24 121 district problem. If I recall correctly, the
25 deviation across this cluster was somewhere around

1 negative four percent per district and I thought
2 that was excessive. If we could improve upon it,
3 we should, and so I volunteered to see if I could
4 do something about it.

5 Q. And did you produce another cluster map as a result
6 of those efforts?

7 A. Another cluster map, no. As I recall, a little
8 further along the line we moved onto -- another
9 solution came up from another quarter, and so even
10 though this cluster, some form of it or another,
11 survived as a way of solving this 121 district
12 problem, we did -- we did solve that problem.

13 I believe this was improved upon in another
14 one and I'm not sure how that was done. And it may
15 have been Mr. Morgan who did it. It was -- I
16 believe he was assigned. -- I believe it was one
17 of those tasks he was assigned with.

18 (WHEREUPON, Exhibit 333 was marked for
19 identification.)

20 BY MR. SPEAS:

21 Q. There's a new exhibit in front of you which bears
22 the number -- what is the number, Mr. Raupe?

23 A. 333.

24 Q. It's an e-mail from you to Senator Rucho dated
25 Monday June 23, 2011. Do you recall that?

1 A. I do.

2 Q. The message is "Upheld by the U.S. Supreme Court
3 and twice further by the NC Supreme Court in
4 Stephenson II & III."

5 What are you referring to there?

6 A. He did not have a copy of Stephenson and Bartlett
7 in his possession and he asked me to send him a
8 copy of the -- in passing on a Thursday afternoon.
9 It was in one of our regular meetings he came by
10 and he mentioned wanting to read the decision. He
11 talked about the decision, and I probably brought
12 up my regard for it, and he said he would like to
13 read it again and I said "I have a copy right here
14 on my computer" and he asked if I could e-mail it
15 to him.

16 MR. FARR: Eddie, can we start making
17 plans for a break?

18 MR. SPEAS: I can. It would be helpful
19 for me to go on for another ten minutes or so. You
20 get to say.

21 THE WITNESS: I'm fine.

22 (WHEREUPON, Exhibit 334 was marked for
23 identification.)

24 BY MR. SPEAS:

25 Q. There's an exhibit in front of you, Exhibit 334.

1 A. Yes.

2 Q. It's from Hofeller to you dated July 5th re: New
3 House Plan from Hofeller. Do you recall this?

4 A. Not specifically. I recall the context, but, no, I
5 don't recall this specifically.

6 Q. Do you recall a discussion about a two-county pod
7 in Wilson and Pitt?

8 A. No. This could very well be -- and I'm speculating
9 here, but if I recall correctly, this was something
10 sent to me for -- it may have been something -- a
11 deliverable for Dale Oldham, maybe something
12 Dr. Hofeller was working on at that time.

13 I think that's northern Pitt county with a
14 double-crossover point contiguity on it if it's a
15 district map so it would be illegal.

16 Q. Let's mark this as 335.

17 (WHEREUPON, Exhibit 335 was marked for
18 identification.)

19 BY MR. SPEAS:

20 Q. This is from Mr. Hofeller to Senator Rucho with a
21 copy to you dated July 13, 2011. Do you recall
22 this document?

23 A. That was a real busy time. Give me a moment here.

24 Q. Okay.

25 A. I'm not sure what the internal access drive subject

1 has to do with it.

2 Yeah, this has to do with conventions in
3 naming clusters. Tom had a conventional -- a
4 convention method that you saw on that -- I think
5 it was the map before this one, the cluster map
6 with the 14-county combination. He had a
7 conventional use of labeling districts, 14 for the
8 number of counties -- I forgot -- maybe the number
9 of districts after that and then maybe a unique
10 number to separate it from anything else that might
11 have the same number. And I believe this is --
12 yeah, this had to do with -- and I'm not sure how,
13 but it had to do with a pod map which would be a
14 layer used for the final product when it was
15 assembled.

16 The county grouping map, even though it
17 appears together for a legislator's use on the
18 floor, for example, it would have the district map
19 and a county map. That actually is a separate
20 layer, separate plan that is then imported as a
21 layer into the district map as an overlay, and this
22 had to do with the labeling of those districts as I
23 understood.

24 Q. Would you look with me for a moment at the last
25 paragraph on page 1 of that exhibit.

1 "All this is a long way to say that

2 Dan" -- is that Dan Frey?

3 A. I would guess so.

4 Q. -- "should not post our cluster map, but develop
5 his own overlay."

6 A. Yes.

7 Q. Why would the -- why would the legislature not post
8 Mr. Hofeller's cluster map on the legislative
9 website?

10 A. Well, when a district plan is put together, it is
11 academic to sit down and determine how the counties
12 are grouped, and it could be that that's what he's
13 referring to, but other than that I can only
14 speculate.

15 Q. But the direction here is not to post
16 Mr. Hofeller's cluster map, correct?

17 A. Well, it's our cluster map and it may very well be
18 that he's referring to some work product of mine as
19 well, but the cluster map itself is a separate
20 entity, you know, from the district plans.

21 Q. This will be 336.

22 (WHEREUPON, Exhibit 336 was marked for
23 identification.)

24 BY MR. SPEAS:

25 Q. Mr. Raupe, this document was found in the documents

1 produced by you and it's not signed nor is it
2 dated. I'm putting it in front of you to ask you
3 whether or not you prepared this document or if you
4 know who prepared this document.

5 A. I don't know who prepared this document. I did not
6 produce it. I recognize it as being something
7 related to the announcements of early on about the
8 criteria, but I can't say for sure where it came
9 from. I assume this fell on my desk or was
10 e-mailed to me or something like that.

11 Q. You simply don't recognize it?

12 A. I recognize what it is but I don't recognize its
13 origin.

14 Q. It's not something you recall drafting?

15 MR. FARR: Excuse me for a second.

16 THE WITNESS: I did not write this.

17 MR. SPEAS: Do we need to stop?

18 MR. PETERS: Keep going.

19 BY MR. SPEAS:

20 Q. I now want to show you two maps and I only have the
21 one copy of these. If we could, mark them 337 and
22 338.

23 (WHEREUPON, Exhibits 337 and 338 were
24 marked for identification.)

25 MR. PETERS: If I could see them.

1 MR. SPEAS: These are two of the maps that
2 Erika provided us in that subsequent production.

3 BY MR. SPEAS:

4 Q. Mr. Raupe, you have in front of you Exhibit 337 and
5 338.

6 A. Yes, sir.

7 Q. And I would ask you if you recall seeing those
8 documents.

9 A. No, sir.

10 Q. Do the maps bear a date on them?

11 A. They are dated.

12 Q. What is the date?

13 A. July 24, 2011.

14 Q. And then you did not prepare those cluster maps?

15 A. No. No, sir.

16 Q. And you do not recall having seen those cluster
17 maps before?

18 A. No. This is the first time I have seen them.

19 Q. These cluster maps were generated a few days before
20 the House plan was enacted; is that correct?

21 A. I'm not sure of the timeframe off the top of my
22 head, but that may be correct, yes.

23 Q. May I see them for just one minute, please.

24 A. Certainly.

25 Q. And these are both House cluster maps, correct?

1 A. Yes.

2 Q. Not Senate maps?

3 A. Yes.

4 MR. SPEAS: All right. If you all want to
5 take a break, this is --

6 MS. EARLS: Can I say we really do want to
7 know the answers to the questions on the subpoena
8 about which maps were the first maps, so if he has
9 them on the discs, this might be a time for him to
10 identify them by file name or some other way what
11 those maps are.

12 THE WITNESS: I will make an attempt. It
13 is a brain scramble, but I will do what I can.
14 Now, if you're looking for the Maptitude version of
15 that, I might have a graphical version of what
16 you're looking for, but Maptitude would be
17 unavailable here.

18 MS. EARLS: Well, actually, it is
19 available here.

20 THE WITNESS: Well, okay, but I don't know
21 how to import the file. I mean, I'll do my best.

22 MS. EARLS: And we have the document
23 production, so if you can identify the file name,
24 then we can pull it up and you can verify it.

25 MR. PETERS: Thank you.

1 (Lunch Recess: 12:30 to 1:28 p.m.)

2 BY MR. SPEAS:

3 Q. Welcome back.

4 A. Thank you.

5 Q. Thank you for looking through the maps, the Senate
6 maps, and you have informally identified five maps
7 that you believe you may have had some role in.

8 A. Yes.

9 Q. Before I ask you about these maps, let me ask you
10 this: You do not recall drawing a House map?

11 A. No.

12 Q. Let me mark this map. And I apologize, we only
13 have the one copy of these maps. And let me begin
14 with a map labeled NC Senate VRA Joel June 16. And
15 of we could mark this as Exhibit 339.

16 (WHEREUPON, Exhibit 339 was marked for
17 identification.)

18 MR. SPEAS: While we're doing it, we will
19 mark NC Senate VRA Joel Take2 as the next exhibit.

20 (WHEREUPON, Exhibit 340 was marked for
21 identification.)

22 BY MR. SPEAS:

23 Q. Mr. Raupe, I'm putting in front of you Exhibits 339
24 and 340 which are labeled NC Senate VRA Joel
25 June 16 and NC Senate VRA Joel Take2 June 16, and

1 let me ask you if those are two maps that you
2 recall preparing for Senator Rucho.

3 A. They are.

4 Q. And were they prepared on or about June 16th?

5 A. Yes, I would imagine so.

6 Q. And were they prepared pursuant to a specific
7 request from Senator Rucho?

8 A. A general request, not --

9 Q. What was that general request?

10 A. Well, in an effort to attain proportionality, we
11 were trying to -- this was part of an effort to
12 determine whether a third district -- a third
13 minority-majority district could be drawn in the
14 northeast, in particular, the area Greenville and
15 south, whether it could be closer quartered or
16 stretched to include the area of -- the old
17 southeast area, the Luther Jordan area it was
18 called. It was actually at one point believed it
19 could not be done and this was an effort to show
20 that it could.

21 Q. And why was it believed it couldn't be done?

22 A. It was not believed that the population was there.

23 Q. The African American population?

24 A. Correct.

25 Q. And you determined that the population was there?

1 A. Yes.

2 Q. Now, let me just ask you this: What's the
3 difference between 339 and 340?

4 A. Let's see. Well, the first version -- Take2
5 includes a district in Forsyth county. It would
6 unlikely to have been minority-majority, but it's
7 there. I don't see any other differences -- well,
8 it also includes District 13 which also is unlikely
9 to be minority-majority. Those are the only
10 differences I see.

11 Q. How many majority-minority districts in
12 Exhibit 339?

13 A. I see nine.

14 Q. How much majority-minority districts in
15 Exhibit 340?

16 A. It would be the same answer. Those are identical
17 in both maps.

18 Q. I thought 340 had a district in Forsyth.

19 A. There are two additional districts, District 32 in
20 Forsyth, District 13 Robeson/Columbus, but they're
21 not minority-majority if my memory is correct.

22 Q. How long did it take you to prepare those drafts?

23 A. Well, I'm not sure exactly. We're talking about
24 areas that were done -- there's very little here
25 from the rest of the state.

1 Cumberland was a project, probably took a
2 week to ten days. The Pitt/Greene/Lenoir/Wayne,
3 whatever combination here, the third district in
4 the northeast was a few days. The war gaming over
5 Guilford in attempt to, as you see in that further
6 exhibit, to try and create a minority-majority
7 district in Forsyth county by taking in some
8 population in Guilford, that took a number of days.
9 And Mecklenburg was an ongoing project.

10 Q. So let's look at Exhibit 339 and focus on it. And
11 I want to ask you specifically -- let's start with
12 the Cumberland county district.

13 You testified that it probably took a week
14 to ten days to put that district together.

15 A. Well, it was not something that occupied all my
16 attention.

17 Q. I understand, but over a week or ten-day period?

18 A. Yes, it was a progressive project.

19 Q. And did you confer with anybody in Cumberland
20 county in drawing that district?

21 A. No.

22 Q. What data did you have in front of you in drawing
23 the Cumberland county district?

24 A. Let's see. At this particular point, I would not
25 have had election data. I had only demographic

1 data from the Census, 2010 Census.

2 Q. You would have had information about precinct
3 lines?

4 A. Yes.

5 Q. City boundaries?

6 A. Yes.

7 Q. School district boundaries?

8 A. No.

9 Q. And you would have had demographic data?

10 A. Census block data.

11 Q. And what was your goal in drawing that district in
12 Cumberland?

13 A. To draw a district entirely within Cumberland
14 county, if possible, minority-majority district
15 entirely in Cumberland county. It was also
16 something that was said that was problematic, might
17 not be possible.

18 Q. But what your goal there was to draw a district --

19 A. To see if it was possible.

20 Q. -- that was at least 50 percent black voting age
21 population entirely within Cumberland county?

22 A. Yes, sir.

23 Q. Now, let's look at the Durham district a minute.

24 Would it, again, be accurate that it took you --

25 that your construction of that district spanned a

1 period of a week to ten days?

2 A. Well, I'm not sure that this is my drawing of
3 District 20. It may have been imported from
4 elsewhere.

5 I do recall working on the attempt to build
6 a minority-majority district in Durham county, and
7 it was also problematic, something that was --
8 actually, something I failed at, was not able to do
9 it, which is why it goes into Granville.

10 Q. And so did you confer with any Durham county
11 folks --

12 A. Personally?

13 Q. Yes.

14 A. No.

15 Q. Did you confer with any Granville county folks in
16 drawing that district?

17 A. Personally?

18 Q. Yes.

19 A. No.

20 Q. And your goal, again, in drawing this district was
21 to draw within Durham county, if you could, a
22 district that was at least 50 percent plus one
23 black voting age population?

24 A. Correct.

25 Q. And you did that at Senator Rucho's request?

1 A. Not necessarily directly. It was -- I can't recall
2 that it was a direct -- he was aware of the work.

3 Q. Okay. Let's --

4 A. Carry on, you know.

5 Q. Let's talk a minute about Wake county, District 14.
6 You were involved -- you drew this district as it
7 appears on Exhibit 339?

8 A. I believe that is a version I did, yes, sir.

9 Q. And it was drawn over a span of a week to ten days?

10 A. Yes, sir.

11 Q. Did you confer with anybody in Wake county about
12 this district?

13 A. Again, personally?

14 Q. Yes.

15 A. No.

16 Q. And what was your goal in drawing this district?

17 A. 50 percent plus one district in Wake county.

18 Q. And what weight did you give to the compactness of
19 that district in drawing that district?

20 MR. PETERS: Objection.

21 MR. FARR: Objection.

22 BY MR. SPEAS:

23 Q. You can answer it if you understand it.

24 A. Well, I'm not sure I do. I understand compactness
25 is a mathematical concept. I understand it is a

1 function of Maptitude, but from the mathematical
2 standpoint, I'm not sure what the legal definition
3 of compactness is.

4 I know it when I see it. Yes, it -- you
5 know, compactness -- I'm not sure -- it was
6 certainly -- to the extent we tried to keep a
7 community of common interest together, if that
8 relates to compactness, yes, compactness played a
9 role.

10 Q. What community of interest did you try to keep
11 together in 14 in Wake county?

12 A. Wake county.

13 Q. You tried to draw it entirely within Wake county?

14 A. Yes, sir.

15 Q. Any other community of interest?

16 A. Southeastern Raleigh. That's about it.

17 Q. What about -- and I haven't asked you about this.
18 What about instructions or advice did you -- or
19 directions did you receive from Senator Rucho about
20 keeping precincts whole?

21 A. From Senator Rucho?

22 Q. Yes.

23 A. There were certainly among the -- there was
24 certainly -- if I recall correctly, it was among a
25 list of considerations. There was some question

1 among the experts about where that was in the list
2 of priorities.

3 Q. Let me --

4 A. As far as Senator Rucho is concerned, I can only
5 recall that he mentioned it as a list of
6 considerations.

7 Q. And who were these experts that you were referring
8 to?

9 A. Well, I recall discussing the question of the rank
10 that precincts hold and the list of priorities with
11 Dr. Hofeller.

12 Q. Okay. Do you recall discussing that with
13 Mr. Oldham?

14 A. In the conversation when he was in the room with
15 Dr. Hofeller, so he certainly chimed in.

16 Q. What priority did Dr. Hofeller give precincts?

17 A. His opinion expressed to me was that they were of
18 low priority.

19 Q. Did he say why they were low priority?

20 A. His -- let me think. I don't recall his exact
21 words, but he considered them to be artificial
22 constructs, and those are my words, secondary to
23 representation.

24 Q. And let me make sure I understand. In regard to
25 District 14 in Wake county, communities of

1 interest -- I'm sorry -- compactness was not a
2 consideration except to the extent that it was kept
3 within Wake county; is that correct?

4 A. No, that's not correct.

5 MR. FARR: Objection.

6 BY MR. SPEAS:

7 Q. What is correct?

8 A. Well, you're dealing now with my definition of
9 compactness, not a legal definition, not a
10 mathematical definition, not a statistical
11 definition.

12 My personal definition is compactness has
13 to do with communities and Wake county is a
14 self-identifying community.

15 Q. Right.

16 A. And so is the African American community in Wake
17 county. It's organized, it's vocal, it's active
18 and it already has representation.

19 Q. And what effort did you make to determine whether
20 the African American community was compact itself,
21 not the district, but compact itself within Wake
22 county?

23 A. I'm not sure I understand.

24 Q. Do you understand my question?

25 A. I'm not sure I do.

1 Q. Did you make any effort to determine where African
2 Americans were located?

3 A. Yes, sir.

4 Q. I'm sure you did, yeah.

5 And did you determine that they were in a
6 compact area?

7 A. Again, we're getting into the definition of
8 compactness. I mean, they all live in the same
9 place. I'm not sure I know how to answer your
10 question.

11 Q. Would your same observations about compactness
12 apply to the district you drew in Cumberland and
13 the district you drew in Durham?

14 A. Yes.

15 Q. Guilford, you drew an African American district in
16 Guilford and your goal here was to draw a district
17 at least at 50 percent plus one?

18 A. Yes.

19 MR. FARR: Objection to the form.

20 BY MR. SPEAS:

21 Q. Within Guilford county solely?

22 A. Yes, sir.

23 Q. And your consideration of compactness in Guilford
24 was similar to your consideration of compactness in
25 Wake and Cumberland?

1 A. My consideration of compactness?

2 Q. Yes, yours.

3 A. Yes, sir.

4 Q. What about Mecklenburg?

5 A. The same.

6 Q. Now, you have drawn a District 3, a District 4 and
7 a District 5 in the northeastern part of the state
8 in this map, correct?

9 A. Yes, sir.

10 Q. And what were your considerations in drawing those
11 three districts?

12 A. Historical representation; historic discrimination;
13 in population loss would require them to be more
14 spread out than they were before unfortunately;
15 whole counties because that was one of the few
16 areas it could be done; historic black institutions
17 like in Elizabeth City communities;
18 minority-majority communities; the existing
19 representation probably more than anything else,
20 though, trying to maintain it.

21 Q. And you drew each of those districts so they would
22 exceed 50 percent plus one black voting age
23 population?

24 A. Yes, sir.

25 Q. Now, Districts 3 and 4 in this plan do have several

1 whole counties, but what about District 5, does it
2 have any whole counties in it?

3 A. No. Well, Greene is whole.

4 Q. What was your goal in drawing that district?

5 A. Well, you have -- Greenville is growing and the
6 question is whether you're going to have a long
7 district -- district in the southeast that attaches
8 a hundred miles between the community in
9 Wilmington, which did not get representation in
10 this last redistricting, and the question is
11 whether or not to create a district that goes from
12 Wilmington to Kinston or Greene county or whether
13 one could be built out of the existing population
14 in Pitt county, Greene, Lenoir, Wayne, those areas
15 which are also represented but partially.

16 Q. Now, were these districts -- these districts, in
17 essence, are adopted in the enacted plan. Am I
18 correct?

19 A. I can't answer that.

20 Q. You cannot answer that?

21 A. I'm not certain that they are. There are
22 certain -- yeah, certain of them in philosophy are
23 but whether they are metes and bounds match, I
24 don't know. I doubt it. This is some early stage
25 stuff.

1 Q. On June 17th the Senate presented the VRA districts
2 to the public, so is this close to the maps
3 presented to the public on June 17th, to your
4 memory?

5 A. I don't know. I can't account for the date on
6 these. Seems to me that this work went on ahead of
7 that release date by a week or more. I don't think
8 I dated these maps.

9 Q. Now, let's mark this as Exhibit 341.

10 (WHEREUPON, Exhibit 341 was marked for
11 identification.)

12 BY MR. SPEAS:

13 Q. This is a map labeled NC Senate July 9. My
14 understanding is that you participated or drew that
15 map.

16 A. I participated in it. There's other people's work
17 here.

18 Q. And how does Exhibit 341 differ from Exhibit 339
19 and 340?

20 A. Hoke county is the heart of District 21 and the
21 county boundary is traversed into Cumberland
22 county. There are probably other differences of
23 degree.

24 The layout of District 3 and 4 seems to be
25 a little bit different. There's an additional

1 District 11 which I'm not familiar with.

2 Q. Where is District 11? Point that out for me.

3 A. Johnston county -- I'm not sure that that is a
4 minority-majority district -- Wilson and
5 Vance -- not Vance, Nash. I'm not sure that's a
6 majority-minority district, but District 5 is the
7 same.

8 Q. Were you involved in the reconfiguration of the
9 Hoke/Cumberland district?

10 A. I experimented with it.

11 Q. What was the reason for reconfiguring that
12 district?

13 A. I don't remember. I honestly do not remember.

14 Q. In drawing the Hoke/Cumberland district, did you
15 draw it in order to achieve a black voting age
16 population of at least 50 percent plus one?

17 MR. FARR: Objection.

18 THE WITNESS: Yes.

19 BY MR. SPEAS:

20 Q. And what consideration did you give to compactness
21 in that? Same as you gave in earlier plans?

22 A. Well, there were problems obviously in my opinion.
23 This is my opinion only that 19 was -- excuse me --
24 21 was a little bit fractured, a little, and in
25 order to keep it entirely within Cumberland county

1 and I think a decision was made at some point to
2 take in Hoke county and then traverse the county
3 line into Cumberland and create the minority
4 district that way. I can't tell you what the
5 rationale was behind it, but I remember there were
6 attempts made to draw this two different ways.

7 Q. Were you given instructions to draw it this way,
8 the way it's depicted on Exhibit 341?

9 A. I wouldn't put it that way. I was instructed to
10 attempt to draw the map with Hoke county included
11 as opposed to being entirely within Cumberland
12 county.

13 Q. Who gave you that instruction?

14 A. It came from Senator Rucho. Whether it was relayed
15 to me or whether he told me directly, I don't
16 remember.

17 Q. May I see this just one minute?

18 A. Sure.

19 Q. We're going to mark this exhibit as 342.

20 (WHEREUPON, Exhibit 342 was marked for
21 identification.)

22 BY MR. SPEAS:

23 Q. And do you recognize Exhibit 342, Mr. Raupe?

24 A. I do.

25 Q. What is it?

1 A. It's a Senate plan or partial Senate plan.

2 Q. Dated July --

3 A. The file is dated July 11th, yes. The file name
4 includes the date.

5 Q. Did you participate in drawing that?

6 A. In part.

7 Q. In what part?

8 A. Well, I recognize District 5 as being -- as having
9 a large part to play in the metes and bounds of
10 that district.

11 District 32 I recall having some role to
12 play in that.

13 The Hoke/Cumberland district I believe
14 matches what was proposed in this map here, it's a
15 carryover from that map.

16 Q. What are the differences between 341 and 342 as
17 best you can tell from looking at those maps?

18 A. Well, let's see. I don't see any differences.
19 Honestly, I just see a matter of scale.

20 (WHEREUPON, Exhibit 343 was marked for
21 identification.)

22 BY MR. SPEAS:

23 Q. Mr. Raupe, I'm putting in front of you Exhibit 343.
24 Do you want to look at it, Tom?

25 Mr. Raupe, can you tell me what Exhibit 343

1 is?

2 A. Yes. This represents one of several configurations
3 of an attempt to create a minority-majority
4 district -- to retain or create a minority-majority
5 district in Forsyth county by taking in population
6 from Guilford.

7 I'm not sure if -- I don't think this
8 survived the final map because it was determined
9 that an ideal county grouping made this not
10 possible, so this is one of several attempts to
11 draw -- one of several configurations I've seen of
12 this attempt.

13 Q. Can you help me understand why the county grouping
14 made this not possible?

15 A. Not off the top of my head, no.

16 Q. But that's your memory?

17 A. Yes. At that point it was outside of my hands.

18 Q. And you explored this possibility at whose request?

19 A. I think it was a matter of self initiative. This
20 was an initiative on my part to see if it was
21 possible.

22 Q. To draw a district with more than 50 percent BVAP
23 in Forsyth and Guilford counties?

24 A. Yes.

25 Q. Or more accurately, to draw --

1 A. Actually, to draw -- since these maps -- since
2 these districts often overlap each other, we were
3 contiguous in some configuration. It's really a
4 two county.

5 Q. In drawing these various Voting Rights districts
6 that you have described in this set of Exhibits 339
7 to 342, what information did you have about
8 racially polarized voting in those areas?

9 A. None.

10 Q. In drawing those districts, what information did
11 you have about the past ability of African American
12 citizens to elect a candidate of their choice from
13 those areas?

14 MR. FARR: Objection.

15 THE WITNESS: None. Nothing substantial.

16 BY MR. SPEAS:

17 Q. In looking at the Forsyth county/Guilford county
18 combination district pictured in 343, what
19 information did you have about whether the
20 incumbent white senator was the candidate of choice
21 of the African American voters?

22 A. None.

23 MR. FARR: Objection to the form of the
24 question.

25 Did you get that, Denise?

1 THE REPORTER: I did.

2 BY MR. SPEAS:

3 Q. Before we get off of these, earlier this morning
4 you indicated that you had worked with Mr. Morgan
5 on a couple of problem districts and I want to go
6 back to that a minute.

7 Do you remember whether Forsyth was one of
8 those districts?

9 A. No, I don't remember that.

10 Q. Do you remember -- have any memory at all what the
11 problems Mr. Morgan was working on were?

12 A. I think -- yes, I recall that he was brought in
13 because of time considerations. We were trying
14 to -- "we" being a large group of people, not all
15 of them in the same room -- were trying to work out
16 issues that his expertise was called for. He has a
17 fine reputation in the field.

18 Q. Now, let's talk about this large group of people.
19 I want to know who you considered would encompass
20 within this large group of people making these
21 decisions about how to resolve these problems.

22 A. Well, from my perspective --

23 Q. Yes, absolutely.

24 A. From my perspective, that large group of people
25 would include Senator Rucho, Hofeller, Oldham. As

1 collaborators to a lesser extent -- I'm drawing a
2 blank. I mentioned his name earlier today and I'm
3 drawing a blank. Works with the Senate Caucus at
4 the headquarters.

5 Q. Woodcox?

6 A. Nathan.

7 Q. Nathan Babcock?

8 A. No, Brent would have been in that room, but I never
9 collaborated with him on anything except messaging
10 back and forth.

11 Q. Would Mr. Farr be a part of this large group?

12 A. No.

13 Q. Did you meet with Mr. Farr during the course of
14 performing your work?

15 A. On two occasions.

16 Q. What were those occasions?

17 A. The first -- when I first moved into the office
18 early on he came by to see if I was settled, talked
19 about how things -- what we thought was going to
20 happen next, about the Census being released,
21 things like that.

22 And then I think he came by not long --
23 either right around -- probably right after
24 enactment, if I recall correctly.

25 Q. Now, you testified, I think, and correct me if I'm

1 wrong, that one of the factors you were weighing in
2 drawing Exhibits 339 and 340 was proportionality.

3 A. That was -- proportionality was a principle.

4 Q. Explain that.

5 A. Not proportionate but proportionality.

6 Q. Explain that principle to me as you understood it
7 and as you applied it.

8 A. As I understand it, if you have -- significant
9 African American voting age population is roughly
10 20 percent of the state, then out of 50
11 districts -- this is a hypothetical -- out of 50
12 districts, ten of them would be minority-majority
13 African American districts under that theory.

14 Q. Was that theory suggested to you by Senator Rucho?

15 A. No.

16 Q. Mr. Hofeller?

17 A. No.

18 Q. Mr. Oldham?

19 A. No.

20 Q. Where did it come from?

21 A. Just the math.

22 Q. And on the House side, 20 percent of 120 would be
23 what, about 24 or 25?

24 A. 24, maybe more.

25 Actually, I recall sitting down and saying,

1 well -- as a thought experiment -- what is
2 the -- you know, what is the African American
3 population of North Carolina? I think it was 22
4 point something percent. I recall crunching the
5 numbers and seeing what percentage of districts it
6 would be in the House map and the Senate map, and
7 it seemed like it was more than 24 in the House,
8 but I don't remember if it was 26.

9 Q. Do you believe --

10 A. It was just a thought experiment on my part.

11 Q. Do you believe that this thought experiment on your
12 part was the origin of the notion of
13 proportionality in the House and Senate plans?

14 MR. FARR: Objection.

15 MR. PETERS: Objection.

16 THE WITNESS: No, I don't think it was.

17 BY MR. SPEAS:

18 Q. So where do you think it came from?

19 A. I have no idea.

20 MR. PETERS: Objection.

21 MR. SPEAS: I haven't asked a question.

22 MR. PETERS: "Where do you think it came
23 from" was the question I heard.

24 MR. SPEAS: All right. I apologize in
25 advance. I will be slightly duplicative for this

1 part. That's a good sign because maybe I'm getting
2 toward the end.

3 (WHEREUPON, Exhibit 344 was marked for
4 identification.)

5 BY MR. SPEAS:

6 Q. I have put in front of you Exhibit 344, Mr. Raupe,
7 which is an e-mail which is in fact a version of a
8 document that you have earlier talked about.

9 A. Yes.

10 Q. And my interest this time is in the second page,
11 and the second page is to Tom Hofeller from you,
12 JCR, correct?

13 A. Yes, that's me.

14 Q. Would you read that portion of the e-mail to
15 yourself for -- well, read it into the record.

16 A. "Yes, indeed, these look very promising, and more
17 compact than the triple decker demonstrated last
18 week, and it appears to free up enough pop to keep
19 old number one, in Wayne's corridor for other
20 Voting Rights protective measures, elsewhere."

21 Q. Can you tell me what "old number one" is, what
22 you're referring to there? Is that old Senate
23 District 1 or something else?

24 A. It may -- I may be confusing District Number 1 with
25 old Number 3 or old Number 2 or something like

1 that.

2 The differences I'm alluding to are the
3 differences between this configuration in
4 District 5 on Exhibit 342 and Dr. Hofeller's
5 version of it as it is portrayed in Exhibit 344.
6 You'll notice that there is differences -- there's
7 not a part of Wayne county in his version.

8 Q. And the reference to Wayne's corridor in this
9 e-mail is to Wayne county; is that correct?

10 A. Yes. It's a reference to the configuration of
11 this -- of this part of District 5 on Exhibit 342.

12 Q. Help me, Mr. Raupe, to what you meant by your
13 reference to for "Wayne's corridor for other Voting
14 Rights protective measures."

15 A. Well, at the time there was even consideration of
16 using -- of including that part of the population
17 in a configuration from Wilmington northward to
18 Wayne county and there was even talk of including a
19 district in addition to District 5, so that is what
20 I was referring to.

21 Q. Where was that talk coming from? Senator Rucho?

22 A. No.

23 Q. Mr. Hofeller?

24 A. Mr. Hofeller and Mr. Oldham.

25 Q. Now, looking at the last portion of the e-mail in

1 Exhibit 344, would you read that to yourself for a
2 minute.

3 A. I have.

4 Q. Help me understand what you were referring to
5 there.

6 A. Well, I think I can use these maps as an example.

7 Q. All right.

8 A. If indeed one of the district maps that's in the
9 record, you'll see there's a version of district --

10 Q. And you're referring to Exhibit 340 now?

11 A. I know, but I'm just referring to a map of
12 North Carolina. I'm referring to an earlier
13 version that extends into Pasquotank county and
14 approaches Elizabeth city as an arm, and I'm
15 praising his district for his configuration being
16 more elegant.

17 Q. And not involving a naked grab of that population?

18 A. Well, yeah, those are the terms I used, naked grab.
19 I regret that term, but that's what I used.

20 Q. Naked grab, that population is the African American
21 population?

22 A. Yes.

23 (WHEREUPON, Exhibit 345 was marked for
24 identification.)

25 BY MR. SPEAS:

1 Q. Exhibit 345 is an e-mail from you to John Morgan
2 dated June 7, 2011. Am I correct?

3 A. Yes.

4 Q. And you are sending to him the latest draft?

5 A. Yes.

6 Q. And attached to this is a plan called N.C. Senate
7 George 2-2, correct?

8 A. Yes, sir.

9 Q. Do you know what -- is George 2-2 one of the plans
10 you talked about?

11 A. No.

12 Q. Do you know what George 2-2 is?

13 A. If I remember correctly, I am e-mailing this to
14 Mr. Morgan on behalf of Mr. Hofeller or Dale
15 Oldham, and it is a map that includes the
16 Wilmington to Kinston, Wayne county district, thus
17 the term George is a reference to Saint George and
18 the Dragon because the district resembled a dragon
19 probably at the request of, yeah, Dale or
20 Mr. Hofeller.

21 Q. Let me ask you to look at a map and a set of data
22 that we have copied from your files, and it's a map
23 and statistical information labeled George 2.2 or
24 2-2.

25 Would you look at that, Mr. Raupe, and tell

1 me whether you recognize that map as George 2-2?

2 A. Yes. It surprises me, but, yes, I'm surprised that

3 it had that designation, but it is a Senate plan

4 which looks like it's close to being in its final

5 form.

6 Q. And it has nine majority-minority districts in it?

7 A. According to these statistics, yes, which would be

8 a product of Maptitude.

9 Q. And you were forwarding this document according to

10 Exhibit 345 --

11 A. It appears to be true, yes.

12 Q. -- to John Morgan on behalf of Mr. Hofeller?

13 A. Yes, or Dale Oldham.

14 MR. FARR: Did we mark this as an exhibit?

15 MR. SPEAS: I thought I did.

16 THE WITNESS: It was almost included in

17 this.

18 MR. FARR: Could we mark this as 346?

19 MR. SPEAS: Yes.

20 (WHEREUPON, Exhibit 346 was marked for

21 identification.)

22 BY MR. SPEAS:

23 Q. Now, Mr. Raupe, pardon my error, but I am now

24 putting in front of you a document which is marked

25 346 which is a map and statistics for a plan

1 labeled George 2-2. And for the record, is this
2 the map to which you were referring and statistics?

3 A. Yes.

4 Q. And this is a map and statistics that you sent on
5 to Mr. Morgan for Mr. Hofeller or Mr. Oldham?

6 A. Yes.

7 Q. And this map is very close to the final map?

8 A. Well, I say that -- I mean, by that I mean it is
9 clearly a whole map and it is in an advanced stage.
10 I recognize it as being farther along than I would
11 have thought at that date.

12 Q. And I'm going to ask the court reporter to mark
13 this as 347.

14 (WHEREUPON, Exhibit 347 was marked for
15 identification.)

16 BY MR. SPEAS:

17 Q. Mr. Raupe, Exhibit 347 is a June 16, 2011, e-mail
18 from you to Tom Hofeller. Would you take a minute
19 to read that.

20 A. Yes, I will.

21 Okay.

22 Q. Do you recall this e-mail?

23 A. Yes.

24 Q. And did you address this e-mail to Mr. Hofeller at
25 Tom Farr's instructions as per --

1 A. It may have been a telephone call, yes.

2 Q. And you sent to Mr. Hofeller three block assignment
3 files, one of the minority districts only?

4 A. Yes.

5 Q. One of the pod map only?

6 A. Yes.

7 Q. And one of the plan as a whole?

8 A. That's correct.

9 Q. And I am going to show you another document marked
10 Exhibit 348.

11 (WHEREUPON, Exhibit 348 was marked for
12 identification.)

13 BY MR. SPEAS:

14 Q. Mr. Raupe, Exhibit 348 is a June 16 e-mail from you
15 to Mr. Hofeller referring to the House minority
16 districts. Would you take a minute to read that.

17 A. (Witness complying.)

18 Q. So would it be accurate that on June 16 in addition
19 to sending three Senate maps, a VRA map, a pod map
20 and a whole map of the Senate, you also sent
21 Mr. Hofeller three House maps?

22 A. No.

23 Q. Tell me what --

24 A. This in itself only includes what I believed as I
25 wrote to be the minority districts alone and a pod

1 map, a county combination map, but apparently the
2 plan as a whole was sent separately and perhaps by
3 somebody else.

4 Q. But is it fair to say that on June 16 you sent to
5 Mr. Hofeller full sets of the House and Senate
6 plans?

7 A. Yes.

8 MR. FARR: I will register an objection to
9 that question because I don't think that is what
10 was said.

11 (WHEREUPON, Exhibit 349 was marked for
12 identification.)

13 BY MR. SPEAS:

14 Q. Mr. Raupe, Exhibit 349 is an e-mail exchange
15 between you and Senator Rucho; is that correct?

16 A. Yes.

17 Q. And would you take a moment to read it.

18 A. (Witness complying.)

19 I recall the thread from looking through my
20 e-mails.

21 Q. Tell me what prompted Senator Rucho to write you
22 about Senate District 32.

23 A. He apparently had an objection to the proposed
24 plan, and that is copied into the e-mail here.
25 Quote, the proposed plan is nuts, exclamation

1 point, exclamation point, exclamation point, and he
2 was simply asking me to double-check on the
3 percentage of -- on the percentage of the minority
4 population in that district.

5 Q. Did you do that?

6 A. Yes.

7 Q. And you confirmed that back to --

8 A. Yes, I answered by phone, I think.

9 Q. Do you know who registered this complaint with
10 Senator Rucho?

11 A. No. It's an unsigned complaint in here so I do not
12 know. No, I do not.

13 Q. You yourself had looked at the possibility of
14 combining Forsyth county African Americans with
15 Guilford county African Americans and rejected it.

16 A. Excuse me?

17 Q. And rejected it?

18 A. No, I didn't reject it.

19 Q. Who rejected it?

20 A. It fell by the wayside. I'm not sure who, when,
21 where or why.

22 Q. Now, this will be 350.

23 (WHEREUPON, Exhibit 350 was marked for
24 identification.)

25 BY MR. SPEAS:

1 Q. Mr. Raupe, I put in front of you an exhibit that we
2 copied from your files and I was unable to
3 determine from the e-mail from your files when this
4 was sent and the particular plans that are
5 described in this document.

6 A. Okay. This document was prepared -- I can tell you
7 what that is, too, believe it or not.

8 Q. What's that?

9 A. The last page.

10 Q. That looks like a stray page.

11 A. It's a cover from Firesign Theatre.

12 Q. A cover of what?

13 A. Firesign Theatre.

14 MR. FARR: I thought it might be Blue
15 Horizon.

16 THE WITNESS: Anyway, my goodness. It's a
17 good album.

18 If you'll give me a moment to examine
19 this.

20 BY MR. SPEAS:

21 Q. Please, please.

22 A. This appears to be work that was done post process
23 at the request of Senator Rucho, and I'm just not
24 certain that it's exactly what it is. In other
25 words, this could have been done as late as January

1 of this year and it just ended up in the same pile
2 of stuff.

3 I hate to be vague about this because I'm
4 just -- I wish I had been more specific about where
5 this was in my files because this -- if I'm not
6 mistaken, this is an analysis of plans that I was
7 asked to make on the fly post process. I was asked
8 to come in and take a look at something and it may
9 have been in January of this year.

10 Q. And who asked you to do this?

11 A. I think Senator Rucho. I can be sure of that,
12 though, to your benefit. This was an attempt
13 to -- I think, if I'm not mistaken, working from
14 block assignment files alone with these plan names
15 that I do not recognize. I was asked to just do a
16 quick blow-by-blow analysis, as you see, voting
17 age all part black population, 18 plus on these
18 plans.

19 Again, these plans don't relate to anything
20 I recognize, so that was some mystery to me. And I
21 think I worked from block assignment files and
22 imported them into Maptitude and did this quick
23 analysis of them.

24 Q. Ten of these are complete plans?

25 A. Yes, but, again, I don't recognize the titles.

1 MR. FARR: Can I talk to him for a second
2 because I don't want there to be any confusion
3 about this.

4 (Discussion held off the record.)

5 BY MR. SPEAS:

6 Q. Has your memory now been refreshed?

7 A. Yes. I don't remember how I -- where was I
8 assigned to do this. I remember being asked to do
9 this. These are plans that were provided in block
10 assignment files by Senator McKissick.

11 Q. Okay.

12 A. I wish I knew the dates more fully than that. It
13 seems like it was relatively recently. It seems
14 like it was January of this year.

15 Q. And did you meet with Senator McKissick?

16 A. No.

17 Q. Did Senator Rucho ask you to do this for Senator
18 McKissick or how did you come to do that?

19 A. I was asked to do it.

20 Q. By Senator Rucho?

21 A. Yes.

22 Q. And these are plans, as you understand it, provided
23 to Senator Rucho by Senator McKissick?

24 A. I believe so, yes.

25 Q. Now, I want to ask you about a couple of other

1 plans here and I'm going to mark that as 351.

2 (WHEREUPON, Exhibit 351 was marked for
3 identification.)

4 BY MR. SPEAS:

5 Q. Mr. Raupe, I've put a map in front of you and
6 statistics for a map and the statistics are labeled
7 Hofeller 1. And do you recognize this map?

8 A. Yes.

9 Q. And was this a map prepared by Mr. Hofeller?

10 A. Yes.

11 Q. And if you will look at the caption to the
12 statistics, was it a map prepared by Mr. Hofeller
13 on March 21, 2011?

14 A. I'm trying to read some of these demographic codes
15 to be -- to make sure they came from his computer
16 as opposed to mine because I use different labels.
17 And these came from his machine. The date is
18 probably accurate since he's fastidious that way.

19 Q. And the date is March 21, 2011?

20 A. It appears to be so, yes.

21 Q. Now, let me hand you another map and set of
22 statistics marked 352.

23 (WHEREUPON, Exhibit 352 was marked for
24 identification.)

25 BY MR. SPEAS:

1 Q. Mr. Hofeller (sic), I've put in front of you
2 Exhibit 352 which is statistics and a map for a
3 plan labeled NC Senate Dale. Do you recognize
4 this?

5 A. I do.

6 Q. And does this bear the date March 30, 2011?

7 A. It does.

8 Q. And do you recognize this as a map drawn by Dale
9 Oldham?

10 A. Yes.

11 Q. And did you assist Mr. Oldham in drawing this
12 district?

13 A. No.

14 Q. To the best of your memory, is this the first
15 plan -- Senate plan drawn by Mr. Oldham, full
16 Senate plan?

17 A. Possibly.

18 Q. Now, I want to put in front of you another map.

19 (WHEREUPON, Exhibit 353 was marked for
20 identification.)

21 BY MR. SPEAS:

22 Q. And I've put in front of you a document labeled 353
23 which is a map and statistics for a plan entitled
24 NC Senate Welsh Dragon. Do you recognize this
25 plan?

1 A. I do.

2 Q. Do you know the origin of the name for the plan
3 Welsh Dragon?

4 A. It refers to the District 7 on this map and its
5 shape looking like a Welsh dragon on a crest or
6 seal.

7 Q. Do you know who authored this plan?

8 A. Dale Oldham.

9 Q. And do you know for what purpose -- what his
10 purpose was in drawing this plan?

11 A. It was variations on a theme. I think the attempt
12 here primarily was to experiment with the concept,
13 again, of drawing a district from Wilmington to the
14 central east, a minority-majority district.

15 Q. And the variations on the theme to which you are
16 referring is the construction of districts with
17 more than 50 percent black voting age population in
18 a number proportional to the black population in
19 the state?

20 MR. FARR: Objection.

21 THE WITNESS: I would not -- I don't
22 believe I would say proportional, but the first
23 part of your statement would be correct.

24 MR. FARR: Do you mind stopping for one
25 second?

1 MR. SPEAS: No, I would be happy to.

2 (Brief Recess: 2:35 to 2:39 p.m.)

3 BY MR. SPEAS:

4 Q. I want to talk just a minute more about some House
5 districts. I understand you did not draw any House
6 plans. However, there were some e-mails --

7 A. Yeah.

8 Q. -- where you are copied and I want to simply
9 inquire about what knowledge you might have
10 understanding in advance you didn't.

11 And let me ask the court reporter to mark
12 this document as Exhibit 354.

13 (WHEREUPON, Exhibit 354 was marked for
14 identification.)

15 BY MR. SPEAS:

16 Q. Senator -- I've promoted you.

17 Mr. Raupe, I've put in front of you
18 Exhibit 354 which appears to be the House companion
19 for the Senate district numbers you testified about
20 a few minutes ago and ask you if you can identify
21 this.

22 A. I can. Thanks to counsel for reminding me.

23 This is the House companion analysis of I
24 think plans that were offered either in whole or in
25 part as amendments during the ratification process

1 on the floor.

2 MR. FARR: Excuse me. May I speak to him
3 for a second?

4 MR. SPEAS: Yes.

5 (Discussion held off the record.)

6 THE WITNESS: Let me examine this.

7 BY MR. SPEAS:

8 Q. Please. Please.

9 A. There's something confusing to me, anyway, about
10 the plan names which are unfamiliar to me. They
11 don't appear to match ones I've seen before in the
12 record.

13 Once again, this is the House companion
14 file of House plans that I was asked to analyze
15 earlier this year in a very bare fashion I think in
16 January of this year. It's the companion to the
17 McKissick Senate plans. I'm not sure completely of
18 the origin of these.

19 Q. But the request to perform this task came to you
20 from Senator Rucho?

21 A. Yes.

22 Q. And your understanding is that this is an analysis
23 of plans that Senator McKissick gave Senator Rucho?

24 A. Whether he gave them to him or not, I don't know.

25 Q. Okay. Mr. Raupe, earlier today we were talking

1 about communications you had with Art Pope --

2 A. Yes.

3 Q. -- with regard to a House plan amendment.

4 A. Yes.

5 Q. I only have one copy of this, but if I could mark
6 this as Exhibit 355.

7 (WHEREUPON, Exhibit 355 was marked for
8 identification.)

9 BY MR. SPEAS:

10 Q. Would you examine Exhibit 355 after your counsel
11 does.

12 Mr. Raupe, is Exhibit 355 an e-mail you
13 sent to Mr. Hofeller of the data that you had sent
14 to Mr. Pope for his comments?

15 A. If I remember correctly, after working with
16 Mr. Pope at the redistricting workstation at
17 headquarters, I informed Mr. Hofeller that this had
18 happened and he asked me to send to him the changes
19 and I did that.

20 Q. And is the attachment to Exhibit 355 the changes
21 that --

22 A. Well, it reflects -- yes, it reflects things that
23 have been changed. It doesn't strike through the
24 old information. He would presumably have that in
25 front of him. I'm not certain, but I think there

1 was a block assignment file reflected in the
2 changes also.

3 Q. Do you remember the nature of the changes he made?

4 A. Not specifically, no. They were all entirely
5 within Wake county.

6 Q. And did not affect any majority-minority district?

7 A. As I recall, they did not affect District 33 or
8 District 38.

9 Q. Let's mark this as 356.

10 (WHEREUPON, Exhibit 356 was marked for
11 identification.)

12 BY MR. SPEAS:

13 Q. Examine Exhibit 356, please, Mr. Raupe, and tell me
14 whether or not this is an e-mail from you to Art
15 Pope forwarding to Art Pope the same material that
16 you had forwarded to Mr. Hofeller in Exhibit 355.

17 A. It appears to be, yes.

18 Q. And did you have any conversations with Mr. Pope
19 about those districts after this?

20 A. No, I've not had any conversations with him at all
21 since then.

22 (WHEREUPON, Exhibit 357 was marked for
23 identification.)

24 BY MR. SPEAS:

25 Q. Take a minute to look at Exhibit 357.

1 A. Okay.

2 Q. Is that an e-mail from Tom Hofeller to you with a
3 copy to Dale Oldham dated June 14, 2011?

4 A. Yes.

5 Q. And the message is "Attached is the fix to the file
6 you sent yesterday to remove the African American
7 district from the New Hanover area."

8 Do you remember --

9 A. No, I don't. I don't remember how -- what he's
10 referring to specifically. There were a lot of
11 changes made in the New Hanover area. And when he
12 says "African American district from the
13 New Hanover area," he may be talking about the
14 Welsh dragon.

15 Q. I thought Welsh dragon was Senate.

16 A. Well, like I say, I'm at a loss here.

17 Q. And does that likely reflect that for the House you
18 were largely a conduit?

19 A. Yes, just that.

20 Q. And not as involved?

21 A. Yes.

22 Q. Now, let's mark this as Exhibit 358.

23 (WHEREUPON, Exhibit 358 was marked for
24 identification.)

25 BY MR. SPEAS:

1 Q. Exhibit 358 is a June 16, 2011, e-mail from Joel
2 Raupe to Tom Hofeller. Would you take a minute to
3 read that.

4 A. Yes, I'm familiar with it.

5 Q. There's reference to a rumor from higher echelons.
6 Can you tell me what that rumor was?

7 A. No. I can imagine that it was scuttlebutt in the
8 hallway sort of a thing. I don't know what I'm
9 referring to right there or who I'm talking about.
10 This is -- this was a particularly busy time
11 getting close to the release of the plans, if I'm
12 not mistaken, and there was a lot of housekeeping
13 work making sure everybody had the same stuff, and
14 I think that's what all this relates to.

15 Q. And in the last paragraph of that e-mail you say,
16 "Again, though I am almost finished 'X'ing' out the
17 non-VRA districts and pod map from the House plan,
18 I will be done with that shortly, and I will send
19 it to you."

20 A. This was a courtesy on my part. I was sending to
21 him having had the House plan as it stood at that
22 moment squeeze through the machine. He wanted to
23 see the VRA district map that was getting ready to
24 be released and he wanted to see it a little ahead
25 of schedule.

1 Q. And that's the VRA districts standing alone?

2 A. Yes, that's what I'm referring to supplying that to
3 him as soon as possible.

4 Q. So this was a request from Mr. Hofeller to you that
5 you complied with it?

6 A. Yes. Well, no. It was just a courtesy. I
7 anticipated his interest.

8 Q. Again, just to be complete, with respect to the
9 House, you played a much smaller role than you did
10 with respect to the Senate?

11 A. Correct.

12 Q. And with respect to the House, who played the
13 principal role in drawing those maps, Mr. Hofeller
14 and Mr. Oldham?

15 A. Correct.

16 Q. Anybody else?

17 A. I think Michael Luethy played a role in analysis of
18 the maps.

19 Q. Who is Michael Luethy?

20 A. He's one of the Speaker's staff.

21 Q. Is he on the staff at the legislature?

22 A. Yes.

23 Q. What about Nathan Babcock?

24 A. Nathan works for the Party. I should say he works
25 for the Senate Caucus but not for the state.

1 Q. Does Mr. Luethy also work for the NC GOP?

2 A. No.

3 Q. Do you know Mr. Luethy's background?

4 A. No, not specifically. We both went to the
5 University of South Florida. We visited quite a
6 bit as we were crunching numbers toward the end of
7 the process.

8 Q. With regard to the Senate plan with which you were
9 more familiar and more involved than the House
10 plan, did you make suggestions to Senator Rucho or
11 Mr. Hofeller for changes that were not followed?

12 A. Certainly.

13 Q. Do you remember what those were?

14 A. Well, I can think of a lot of stuff. If you'll
15 note the District 5, for example, is not on the
16 enacted plans the way I proposed it. That's not
17 saying what I did was superior. It's just, as you
18 say, something I suggested that wasn't approved.

19 Q. What's the essential difference between Senate
20 District 5 as you proposed it and as it was
21 adopted?

22 A. I can't tell you off the top of my head what the
23 essential difference was, but that's the example of
24 the kind of thing. When you say suggested, I was
25 never adamant about anything --

1 Q. No, I wasn't --

2 A. -- because it wasn't my position to suggest
3 changes. It was my position to offer alternatives,
4 so that's not the same, I guess.

5 Q. Mr. Raupe, I'm putting in front of you maps that we
6 have used with several witnesses and I'm putting in
7 front of you a map of Rucho Senate 2 as enacted.

8 A. This is the enacted plan?

9 Q. Yes. And Senate District 5 in the enacted plan is
10 partly in Wayne, partly in Lenoir, partly in Pitt
11 and in Greene, correct?

12 A. Yes, it is largely as I suggested. I can't be
13 certain that it is exactly as I suggested, but,
14 yeah, I had a role to play in that map, in that
15 plan -- I mean in that district.

16 So many of these districts fell within the
17 county groupings quite naturally, and I can recall
18 working with Senator Rucho on Mecklenburg, and I
19 cannot tell you whether or not that turned out as
20 we worked on it. I don't think it did, if I recall
21 correctly.

22 I was probably more suggestive of keeping
23 the minority district in the Hoke/Cumberland county
24 combination entirely within Cumberland county and
25 they went with Hoke.

1 Durham county originally did not include
2 Granville.

3 32 is after it was given that it was no
4 longer going to be more than an influence district,
5 I had something to do with that layout as well.

6 But District 1 -- District 2, District 6,
7 District 8, District 9, these districts were given.
8 They pretty well had fallen into place by this
9 point.

10 And the county groupings, particularly
11 right in here, it became impossible. This is what
12 I was talking about earlier. When this county
13 grouping solved certain problems and domino effect
14 in other parts of the state, particularly right in
15 here, it -- and Mr. Oldham can assist you with
16 this -- Guilford was to be kept whole and was no
17 longer possible to traverse that county line and
18 create a minority district there.

19 Q. Okay. All right.

20 A. Is that vague enough for you? I'm sorry I can't be
21 more specific than that.

22 Q. It's not vague. It's the overwhelming mass of
23 information that's hard to keep up.

24 A. There's a lot of stuff.

25 Q. I want to ask you a little bit about the

1 Congressional plan and help me understand your role
2 on the Congressional side.

3 A. Very little role. Very little role. I was aware
4 of what was going on. I asked questions about
5 things, but that's about it because maps went
6 through the conduit.

7 (WHEREUPON, Exhibit 359 was marked for
8 identification.)

9 BY MR. SPEAS:

10 Q. Exhibit 359 is an e-mail from you to Senator Rucho
11 dated January 21, 2011. Do you remember that
12 e-mail?

13 A. Yes, I do.

14 Q. And is this simply a suggestion -- an early
15 suggestion from you to Senator Rucho about the --

16 A. No. Senator Rucho specifically requested whether
17 or not a Congressional district could be drawn a
18 certain way. There was no Census data available at
19 that time, and it looks so much like the
20 Congressional map as it stands or as it stood. I
21 can only speculate what specific question I was
22 trying to answer here. I just don't remember.

23 And to be honest with you, this is
24 just -- it's more futile speculation because we
25 didn't have any Census data at this point.

1 Q. Okay. All right. I want to show you another
2 document marked Exhibit 360.

3 (WHEREUPON, Exhibit 360 was marked for
4 identification.)

5 BY MR. SPEAS:

6 Q. Exhibit 360 is a string of e-mails between you and
7 Mike Wild. And we previously identified Mike Wild
8 as a member of the staff of RNC, correct?

9 A. Yes. I want to be clear that he identifies himself
10 that way and I know him as a contact for Maptitude
11 problems.

12 Q. And on this e-mail he identifies himself as Mike
13 Wild, RNC Redistricting, Deputy Director, correct?

14 A. Yes.

15 Q. And take just a minute to review that and then I
16 have some questions for you about it.

17 A. Okay.

18 Q. And Mr. Wild initially asked you for a copy of the
19 current CD Congressional district plan; is that
20 correct?

21 A. That's correct.

22 Q. And he asked you for that on May 11, 2011?

23 A. Yes.

24 Q. And he said that Dale -- Dale Oldham, is that who
25 he's referring to?

1 A. Yes, that would be Dale.

2 Q. You responded, sorry, there is no Congressional
3 plan at this point, correct?

4 A. Yes. I wanted to be sure what he was asking
5 because I don't think I could have -- and he
6 corrects himself.

7 Q. And Mr. Wild responds, no, I don't want
8 Congressional plan. Quote, We need your most
9 recent State Senate plan, and if you have a House
10 plan that has changes that Tom or Dale may not have
11 made, you should send that as well, correct?

12 A. Well, no, Tom or Dale may not have made. "Changes
13 that Tom or Dale may not have" --

14 Q. Okay, thank you.

15 A. -- "you should send that as well."

16 Q. And you responded "There are two Senate plans, at
17 this hour."

18 A. Uh-huh.

19 Q. And that hour is May 11, 2011, 7:04 p.m.?

20 A. Yes, that's correct.

21 Q. And do you know which two Senate plans they were?

22 A. Well, while it sounds specific at this hour, it's
23 more of a general comment on the times and the
24 process as opposed to the exact time and place.

25 And the two Senate plans would probably be

1 differences over -- differences over the Welsh
2 district -- the Welsh dragon and District 5 and
3 Forsyth county and county groupings, so I'm sure I
4 was speaking more about a division in the room, so
5 to speak.

6 Q. If you would look on the second page, you will see
7 on Friday May 13, 2011, at 12:03 p.m. you sent Mike
8 Wild a file labeled NC Senate-HM5.

9 A. Uh-huh, Hofeller modified 5.

10 Q. Have you seen that -- have we showed you that map
11 today or is that a different map?

12 A. I'm not certain.

13 Q. Should there be a file -- a map in your files
14 bearing this label?

15 A. There should be at the very least a zip file with
16 that label which would contain a block assignment
17 file, I would imagine.

18 Q. Okay. And then on Friday, May 13th at 12:14, the
19 last entry you send to Wild with a copy to Hofeller
20 this e-mail: "A couple of notes regarding the plan
21 just dispatched. Certain of the interior lines,
22 particularly within Wake county (specifically the
23 Wake-Durham Stephenson county commission) are not
24 settled," correct?

25 A. That's correct.

1 Q. And then you say, "Also, the combination of Hoke &
2 Cumberland which are submerged into the Districts 8
3 & 9 county combination is problematic, obviously,"
4 correct?

5 A. Yes, that's correct.

6 Q. Why was it obvious that the Hoke/Cumberland
7 combination is problematic?

8 A. Well, there was just dispute between -- well, let
9 me phrase that differently.

10 It wasn't a dispute. There was just no
11 consensus on how the Cumberland county/Hoke county
12 combination minority-majority district should be
13 drawn, whether it's been drawn as it's been shown
14 to include Hoke county or entirely within
15 Cumberland county, and that's the obvious thing.

16 Q. And --

17 A. Obvious to me.

18 Q. And a majority-minority district drawn entirely
19 within Cumberland would have been more compact,
20 wouldn't it?

21 MR. FARR: Objection.

22 THE WITNESS: As I judge compactness, yes.

23 BY MR. SPEAS:

24 Q. And looking at the last entry, e-mail entry in this
25 Exhibit 360, it's from Mike Wild to you and it

1 says, "Joel, We need the Senate map as it was when
2 Dale left last time. The new version is quite
3 different from what Dale had worked out earlier."

4 Do you know what is --

5 A. Yes. I can guess that Mike wanted to see the
6 original map that Dale worked on before he came to
7 Raleigh.

8 Q. Would that have been the dragon map?

9 A. Possibly. Possibly. I'm not certain. Possibly.

10 Q. Do you know whether Mike Wild ever conferred with
11 Mr. Hofeller about these maps?

12 A. No, I don't know. I'm guessing he did.

13 Q. You guess he did?

14 A. Well, they're on the same team.

15 Q. Let's mark this as Exhibit 361.

16 (WHEREUPON, Exhibit 361 was marked for
17 identification.)

18 BY MR. SPEAS:

19 Q. 361 is an e-mail from you to Mike Wild. And is it
20 accurate that on May 24, 2011, you sent Mike Wild
21 three versions of a Congressional plan?

22 A. No.

23 Q. What did you do?

24 A. These are the PDF files you looked at earlier from
25 the RNC. These district -- these voting age

1 population graphic files --

2 Q. You're referring to Exhibit --

3 A. -- these appear to be three of those files that --
4 that Tom requested that he send to me not knowing
5 that I already had them.

6 Q. You're referring to Exhibit 320?

7 A. That's correct.

8 Q. Thank you.

9 (WHEREUPON, Exhibit 362 was marked for
10 identification.)

11 THE WITNESS: I recognize this.

12 BY MR. SPEAS:

13 Q. Did Mr. Hofeller send you on June 19th the latest
14 version of the Congressional plan?

15 A. Yes.

16 Q. And Mr. Hofeller states "It put a county back
17 together."

18 Do you know what county was put back
19 together?

20 A. No, I don't.

21 Q. He states it corrects some boundary line errors.
22 Do you know what boundary line errors?

23 A. Not specifically, no. Not generally, either.

24 Q. And he says it smooths out the boundary of the 1st
25 Congressional District while maintaining its

1 majority African American status.

2 Do you know what he's talking about there?

3 A. Not offhand, no.

4 Q. But there is a map that Hofeller himself had done?

5 A. Yes.

6 Q. And why was he sending it to you?

7 A. Because of the computer being a central -- kind of
8 a central memory bank.

9 Q. Would you look at the last entry in this e-mail
10 string which is from you to Tom Hofeller. And do
11 you recall whether --

12 A. Give me a moment. I want to make certain. Okay.

13 Q. This was written right after the release of the
14 Voting Rights Act Senate districts?

15 A. Yes.

16 Q. And you were referring to a response from the
17 African American community?

18 A. I was -- I was answering his question about what
19 was the reaction to those plans.

20 Q. And you referred to an angry response from Senator
21 Garrou?

22 A. That I had heard of, yes, that I had heard tell
23 which amounts to gossip.

24 (WHEREUPON, Exhibit 363 was marked for
25 identification.)

1 BY MR. SPEAS:

2 Q. Mr. Raupe, Exhibit 363 is an e-mail from you to
3 Senator Rucho.

4 A. Yes.

5 Q. It's about Asheville.

6 A. Yes.

7 Q. And --

8 A. Buncombe county.

9 Q. What is this e-mail about?

10 A. Senator Rucho asked me -- handed me an address and
11 asked me -- and I don't recall who had asked him to
12 ask me or who asked him and he asked me to find out
13 for him. It was where was -- which -- where
14 was -- this is going to get me in trouble. The big
15 castle.

16 MR. PETERS: Biltmore.

17 THE WITNESS: Biltmore. Is the Biltmore
18 in district whatever, and I said, yes, it is. The
19 famous locale is the Biltmore. Thank you. I
20 couldn't remember the name of the Biltmore.

21 (WHEREUPON, Exhibit 364 was marked for
22 identification.)

23 BY MR. SPEAS:

24 Q. Do you recognize Exhibit 364?

25 A. Yes, I recognize it.

1 Q. And it's to you from Tom Hofeller?
2 A. And to Dale Oldham as well.
3 Q. The e-mail address dloesq@aol.com is Dale Oldham?
4 A. I believe so.
5 Q. This is Wednesday, July 6th?
6 A. Yes.
7 Q. And it concerns changes in the 1st Congressional
8 District?
9 A. Yes, according to the e-mail it does. I have
10 not -- not being able to see the plans themselves,
11 I can't say anything else.
12 Q. And does Mr. Hofeller state, "They" -- the
13 changes -- "incorporate all the significant
14 concentrations of minority voters in the northeast
15 into the first district"?
16 A. That's what he writes.
17 Q. And then does he ask you to run the political stats
18 on this sometime in the next couple of days?
19 A. Yes.
20 Q. Did you run those political stats?
21 A. I believe so.
22 Q. Do you know what political stats he was talking
23 about?
24 A. We by this time had a pretty standard group of
25 demographic and election data that we ran on

1 districts with the common database at this point
2 that pretty well matured finally.

3 (Discussion held off the record.)

4 (WHEREUPON, Exhibit 365 was marked for
5 identification.)

6 BY MR. SPEAS:

7 Q. Is Exhibit 365 an e-mail you recognize?

8 A. Yes.

9 Q. Is it dated July 14, 2011?

10 A. Yes.

11 Q. And in this do you forward to -- do you forward
12 three Congressional plans formulated by John
13 Morgan, Nathan Babcock and Senator Rucho?

14 A. Yes.

15 Q. Now, let me ask you -- I'm going to ask the
16 court reporter to mark these as Exhibit 366 A, B
17 and C.

18 (WHEREUPON, Exhibits 366 A, B and C were
19 marked for identification.)

20 BY MR. SPEAS:

21 Q. Mr. Raupe, I'm handing you three exhibits, 366 A, B
22 and C. I would like for you to examine them and
23 tell me whether those are the three Congressional
24 plans you forwarded to Mr. Hofeller on July 14th
25 and to which you referred to in Exhibit 365.

1 A. Not having seen the maps -- if I'm not mistaken,
2 these are forwarded block assignment files -- I
3 would have to say that's correct.

4 Q. Okay. Your work for the legislature ceased on the
5 date the plans were enacted, correct?

6 A. That's correct.

7 Q. But you did do this little extra work for --

8 A. Yes.

9 Q. Were you paid for that?

10 A. Yes.

11 Q. And was that pursuant to some written contract?

12 A. No. It was just --

13 Q. And earlier this morning I asked you about your
14 arrangement with Senator Rucho and you indicated
15 that you had sent Senator Rucho a proposal and that
16 you believed that might be among the documents that
17 you had provided us.

18 Were you able to look to see if you could
19 find that?

20 A. I haven't yet, no.

21 Q. Would you look to see if you have that proposal?

22 A. I can.

23 Q. And if you find it, would you, with your
24 counsel's --

25 MR. FARR: Probably. I haven't seen it.

1 MR. SPEAS: Well, surely the arrangement
2 under which you did work for Rucho would be
3 relevant.

4 MR. FARR: I would assume we will, Eddie,
5 but I just haven't seen it.

6 (WHEREUPON, Exhibit 367 was marked for
7 identification.)

8 BY MR. SPEAS:

9 Q. Mr. Raupe, I went on the internet and I found this
10 on the internet. Can you identify this?

11 A. Facebook --

12 Q. Okay.

13 A. -- possibly.

14 Q. Prepared by you.

15 A. Or LinkedIn. I'm not sure.

16 Q. I think it's LinkedIn.

17 Did you prepare this document?

18 A. I had some help, but yeah.

19 Q. And does it accurately state your various
20 experiences?

21 A. In broad outline, yes.

22 Q. And would you tell me what an
23 S-E-L-E-N-O-G-R-A-P-H-E-R is?

24 A. A Selenographer?

25 Q. Uh-huh.

1 A. A moon map maker. Among other things, I am an
2 amateur planetary scientist.

3 Q. Coming from your astronomy minor as a student.

4 A. Well, I've gone greatly beyond that, I would like
5 to think. I'm not off the reservation, but --

6 Q. And you say you're an internationally acknowledged
7 expert on Earth's Moon?

8 A. That's true.

9 Q. Moderator of the recent merger of three original
10 lunar research discussion groups?

11 A. That's correct.

12 Q. And sought after for consultations by those
13 selecting potential lunar landing sites for
14 critical research in the context of recommendations
15 made by the National Academy of Science?

16 A. That's correct.

17 Q. And let me show you Exhibit 368.

18 (WHEREUPON, Exhibit 368 was marked for
19 identification.)

20 BY MR. SPEAS:

21 Q. Is Exhibit 368 --

22 A. Oh, my.

23 Q. Do you recognize Exhibit 368?

24 A. I'm not sure that I do.

25 Q. It appears to be a bio.

1 A. I'm not so sure I prepared it. Chamber.com. This
2 may have been put together by Mr. Dell who's
3 director of the Advanced Vehicle Research Center
4 who's also a leader of Team Stellar which is one of
5 the competitors for the Google Lunar X Prize. I'm
6 a consultant with them, but it's somewhat old.

7 I worked with the Capitol Monitor for only
8 a brief time as a writer, and some of this
9 information is -- I would have to look over. It
10 doesn't look like it came from me.

11 Q. Okay. Let me show you Exhibit 369.

12 (WHEREUPON, Exhibit 369 was marked for
13 identification.)

14 BY MR. SPEAS:

15 Q. Do you recognize that as a document you prepared?

16 A. Vaguely.

17 Q. It's dated February 26, 2008.

18 A. Yes. It was -- I think Katy -- I've forgotten her
19 last name -- invited me to be a contributor to her
20 website. I'm not even sure it's up any more.

21 Q. And you accepted that invitation at some point?

22 A. Yes.

23 Q. And you prepared this particular document?

24 A. I had help.

25 Q. Who helped you?

1 A. My wife and my daughter.

2 Q. And your daughter.

3 In this do you say, "So, 'humbly,' I
4 introduce myself as Joel Raupe, a minor player,
5 thought to be somewhat of a loose cannon and
6 certainly unpredictable -- a small volcano
7 mistakenly thought dormant usually until the last
8 minute, respected because, it is generally believed
9 by those who don't know me as well as they should,
10 'he's liable to do anything, at anytime, for no
11 particular reason"?

12 A. I recognize that as my daughter's writing. I don't
13 write sentences that long. And she grew up hearing
14 me warn her that I was liable to do anything at any
15 particular time for no particular reason.

16 Q. And then does it state "In other words, 'a white
17 guy,' which would also be a mistake"?

18 A. I don't even know what that means.

19 Q. That's what I wanted to know what you thought that
20 meant.

21 A. I'm not sure that this discussion is about that
22 song either.

23 Q. Were you removed from a legislative position at one
24 point?

25 A. Twice.

1 Q. Can you recall why?

2 A. Certainly. What do you want to know? Which time,
3 first or second time?

4 Q. First time.

5 A. I was let go, as you say. I was fired by
6 Representative Harty in July 1997 for a mistake in
7 sending an e-mail from the state servers to Seth
8 Effron who was then of the News & Observer which
9 was then an anonymous column. The anonymous column
10 was The Insider. And I objected to some things
11 that he wrote about my representative. We've since
12 made up and they're no longer anonymous.

13 (WHEREUPON, Exhibit 370 was marked for
14 identification.)

15 BY MR. SPEAS:

16 Q. Let me show you Exhibit 370 and see if that's about
17 the newspaper account that you were talking about.

18 A. No. This was related to being hired by Patrick
19 Ballantine in 1999. Dennis Patterson and others
20 wrote about the controversy of Senator Ballantine
21 hiring me considering all the misunderstanding that
22 went with that e-mail to Seth Effron two years
23 earlier.

24 Q. So this --

25 A. So this was in relation to that situation, but this

1 was in regard to my being hired.

2 Q. After you had been dismissed?

3 A. Yeah, almost two years later.

4 Q. And is that newspaper article accurate with respect
5 to the reason?

6 A. It's not complete. No, it's not accurate. The
7 reference to the Nazi part of this was all about
8 The Soup Nazi from Seinfeld, and the crude
9 reference was in relation to a Monty Python motion
10 picture.

11 Q. And what was the second incident?

12 A. Well, there was no incident. I was let go by
13 Representative Stam after the 2008 elections.

14 Q. Because the elections were over?

15 A. Well, because he wanted to hire somebody else, I
16 think. He didn't need me for the next term.

17 MR. SPEAS: Okay. All right. May I have
18 a few minutes?

19 MR. FARR: Sure.

20 (Brief Recess: 3:29 to 3:37 p.m.)

21 MR. SPEAS: Thank you, Mr. Raupe. Anita has
22 questions.

23 THE WITNESS: Thank you.

24 ///

25 ///

1 EXAMINATION

2 BY MS. EARLS:

3 Q. Good afternoon. And thank you for your time.

4 A. Thank you for your patience being here all day. I
5 don't know how you do it.

6 Q. As you know, my name is Anita Earls. I represent
7 plaintiffs who have filed a lawsuit that was
8 combined with the case in which Mr. Speas
9 represents plaintiffs and I just have a few
10 follow-up questions.

11 A. Whatever I can do.

12 Q. Thank you.

13 I want to understand a little more about
14 your background that's relevant to drawing maps and
15 producing statistics. And I understood that you
16 did do some training on the Maptitude software.

17 A. Not as much as I would have liked. My experience
18 comes mostly from having worked with the last time
19 around with the District Builder software.

20 I mean, Maptitude is a different program,
21 different capabilities, but, you know, working with
22 Census blocks and assigning areas and analyzing
23 data is still the same stuff.

24 Q. Do you have any formal training in statistics?

25 A. No.

1 Q. What about in demography?

2 A. I worked -- I learned a lot about demography
3 working with the majority leader in DC, but I was
4 25 years old, so.

5 Q. What about any courses or training in cartography?

6 A. No, not specifically, but I've been a map lover my
7 whole life.

8 Q. Then in terms of drawing redistricting plans, other
9 than being involved in the post 2000 Census round
10 redistricting and then the post 2010 redistricting
11 round that you described here today, do you have
12 other experience drawing redistricting plans?

13 A. No.

14 Q. So have you ever --

15 MR. FARR: You need to speak up.

16 THE WITNESS: I'm sorry, no.

17 BY MS. EARLS:

18 Q. And I was just going to confirm: Have you had any
19 involvement in drawing redistricting plans for
20 local governments?

21 A. Only a little in Beaufort county school district.
22 I was involved in looking at maps that people were
23 proposing, but only as -- you know, as someone who
24 happened to be in the room, that sort of thing, so
25 that's about it.

1 Q. And roughly when was that?

2 A. Let's see. That may have been '94. You know, it
3 was a while back.

4 Q. Any other involvement in any other states either at
5 the local or statewide level in redistricting?

6 A. In map drawing?

7 Q. Right.

8 A. No.

9 Q. You've mentioned the proposal that you initially
10 put forward that you're going to look for a copy
11 of, and in testifying about that earlier today you
12 said that it mostly focused on how you would be
13 compensated because you knew what needed to be
14 done, and I'm just trying to get a clear picture of
15 what you understood that to be, what it was that
16 needed to be done in the course of this.

17 A. Pretty much how it turned out as a central -- kind
18 of a central -- what do you call it -- central
19 office, a place where -- switchboard, a switching
20 board where everything comes through and goes out,
21 you know, sort of like a way of making sure that
22 there isn't duplication of effort, that there was
23 plenty of printing paper around, that there was
24 ink, that the computer was working, that the
25 database was up and running as it should, which was

1 quite a job, that facilities were available, you
2 know, that people -- you know, just almost the job
3 of any good clerk.

4 Q. So let's talk for a minute about the data that you
5 had. Did I understand correctly that you had the
6 Census data at the block level once that was
7 released?

8 A. Yes.

9 Q. And you also had data by incumbents' residences.
10 Am I correct?

11 A. To clarify, once the Census block data was
12 released, it took maybe three or four days before
13 it arrived in the format that could be imported
14 into Maptitude, which wasn't long, you know, three,
15 four days, maybe, maybe a week.

16 And I'm sorry, the second part was?

17 Q. So it was early April by the time you had the data
18 that was --

19 A. Yeah, I believe --

20 Q. -- that was in Maptitude format that you could use
21 it?

22 MR. FARR: Hey, Joel, let her finish the
23 question for the court reporter. You know what
24 she's wanting to ask you and you need to wait for
25 the complete question for the court reporter.

1 THE WITNESS: Instant rapport. Sorry.

2 MS. EARLS: I'm sorry, too.

3 BY MS. EARLS:

4 Q. So then I was also asking about incumbents'
5 residences, if you had that data.

6 A. No, I did not. I had what was easily available and
7 I had to construct my own -- I had to research my
8 own incumbency data until it was provided to me
9 formally which was around May 1st, maybe.

10 Q. I think if you could look at Exhibit 323.

11 MR. PETERS: I'm sorry. Did you say 323?

12 THE WITNESS: 323.

13 MS. EARLS: Yes, Exhibit 323.

14 THE WITNESS: 323, got it.

15 BY MS. EARLS:

16 Q. This is an e-mail string, I believe, that you
17 testified about --

18 A. Yes.

19 Q. -- where you were getting the election data and
20 working with Mike Wild to import it into your
21 system.

22 A. Yes.

23 Q. So, again, I'm correct that prior to June 6th, at
24 least, you didn't have election data?

25 A. That's correct.

1 Q. And in looking at this series of e-mails back and
2 forth, am I correct that part of the data
3 processing issue was that the election returns
4 would be at the precinct level and you were trying
5 to get that data down to the block level?

6 A. That was a concern I had because, you know, when
7 you're dealing with precincts that are at block
8 level, you know, what comes to mind immediately,
9 well, how do you extrapolate that out to -- because
10 there really isn't any data like that. You have it
11 all at the precinct level or, you know, how do
12 you -- how do you -- when you split a precinct, how
13 do you extrapolate which half voted this way and
14 which half voted the other. And part of my
15 conversation with Mike was how Maptitude does that,
16 how it calculates an average, I guess.

17 Q. So does this e-mail string indicate -- and I guess
18 I'm looking at -- for example, on the second page,
19 the e-mail June 7, 2011, at 9:27 a.m. where he
20 talks about the deallocated files, does this mean
21 that he was the one who was dividing those -- that
22 precinct data into block level?

23 A. I'm not sure if it was him personally, but
24 that's -- deallocated means taking the precinct
25 data or specific to a precinct and then dividing it

1 by population, not just by Census block but by
2 Census block that actually has people in it, you
3 know, so I think that's what deallocation means
4 specifically. Whether he did it or not may be your
5 question and I'm not certain.

6 Q. Do you know how it was done?

7 A. No.

8 Q. So he just gave you the data saying here it is,
9 deallocated and you loaded it onto your system?

10 A. That's correct.

11 Q. And you don't know how he made those --

12 A. The technical part of it?

13 Q. Right.

14 A. No.

15 Q. Apart from the technical part, even just
16 conceptually how you talked about earlier how
17 you've got one precinct and it's divided into
18 several Census blocks which voters voted in which
19 Census block.

20 A. It was a concern I had. He assured me that it was
21 mostly accurate, you know, but since it wasn't
22 Census data which has to be precisely accurate, I
23 had to -- I often warned people when they were
24 looking at election data that they had to
25 understand they were dealing with -- any time

1 there's a split precinct in a district that you're
2 dealing with some data that's been averaged out.

3 Q. Going back to, then, what you had for most of the
4 time during this process, that is, until you
5 finally got the political data loaded, you talked
6 about how your job was to collect all the plans and
7 various places and then provide data.

8 And am I correct that basically you were
9 providing planned statistics using the Census data?

10 A. You mean prior to having the election data?

11 Q. Right.

12 A. Well, there really wasn't as much activity up until
13 then. There wasn't any election data analysis
14 going on up to that point.

15 Q. Do you know if Dr. Hofeller had election data prior
16 to that date?

17 A. I believe he did. I do not know that he did but I
18 believe he did.

19 Q. But you weren't providing that information to
20 anyone because you didn't have it?

21 A. I didn't have it.

22 Q. So was there any data -- other than the incumbents'
23 residences that you sort of had to research until
24 it was provided to you in May, was there any other
25 data that you had that you were providing to people

1 about these possible alternatives?

2 A. You mean other than Census data?

3 Q. Right, other than that Census data.

4 A. No.

5 Q. You talked about an occasion when Art Pope came
6 over and sat with you at the computer and looked at
7 possible changes.

8 A. Yes.

9 Q. Did anyone else come and meet with you and look at
10 possible changes to any of the plans?

11 A. Yes, but not -- maybe not the same way. I mean,
12 they were -- Nelson Dollar came by, Representative
13 Dollar, early on.

14 Q. And was that before the plans were actually
15 released?

16 A. Way early, yes. Way early. There were -- he was a
17 member of the Redistricting Committee in the House
18 and he wanted to look things over, and we toured
19 the state, you know, we looked at various places.
20 So it was a lot different than when -- at that
21 particular point than when Art Pope was borrowing
22 my workstation.

23 A lot of the time there were
24 representatives working with other people and
25 working with Mr. Hofeller or Dale Oldham directly.

1 Q. And was this prior to the plans being made public
2 or after they were made public?

3 A. I felt like it was a long way away from Jones
4 Street down there, to be honest with you. I would
5 say before they were made public, but I can't be
6 certain about that.

7 Q. And other than Nelson Dollar, do you remember
8 anyone else who came and looked with you at the
9 maps or at Census data?

10 A. You mean of the legislators?

11 Q. Actually, anyone, anyone else who came.

12 A. Well, I mean, Representative Lewis came by
13 occasionally to touch base just to see what was
14 going on, you know, just to visit.

15 I feel like I'm kind of drawing a blank
16 because I don't want to be evasive, but it seems
17 like a senator or two -- it seemed like Senator
18 Rucho brought by Senator Clary. He brought by -- I
19 forgot the gentleman's name -- a senator from the
20 area where he was double bunked to explain to her
21 and to him the situation why they were double
22 bunked. That stands out in my memory, but I don't
23 remember anybody else coming along and actually
24 doing any plan work.

25 Q. Did you have any contact with Clark Benson?

1 A. No.

2 Q. I want to ask about the three northeast
3 majority-minority districts for the Senate map that
4 you were kind of working on. And I first want to
5 get a sense of the timeline, so if you don't mind,
6 if you could look at Exhibit 344 and 342.

7 A. 344 and 345?

8 Q. 342 and 344.

9 A. I'm sorry. Okay.

10 MR. FARR: 344 did you say?

11 Why don't you just use that one.

12 THE WITNESS: I think these are different
13 layouts, though.

14 BY MS. EARLS:

15 Q. I understand when you were reviewing Exhibit 344,
16 the e-mail, you were saying that the map that's
17 included in that e-mail is more compact than the
18 triple decker demonstrated last week and then you
19 referred us to 342 as the triple decker.

20 A. Well, when I referred to 342, I meant that --
21 actually, the specific map I was referring to,
22 which is probably in a graphic demonstration
23 somewhere in that -- in what was delivered, there
24 is almost a stratified three district thing going
25 across a very large part of the state, a concept

1 plan, if you call it, and that's what I was
2 referring to. Not this map specifically.

3 Q. Do you have a recollection of what the file name
4 might be for this triple-decker concept that you're
5 talking about?

6 A. No, but I can get it to you. I remember seeing it
7 very recently.

8 Q. Do you have that list of all the files?

9 A. I wouldn't know it from the file name.

10 Q. You would have to actually look at it?

11 A. Yes. It's considerable volume I know.

12 Q. Well, I guess it would help me to know what that
13 file name is.

14 A. I'll deliver it to Tom.

15 Q. And then the other part of my question was what
16 that suggests to me is that back in April --
17 because this e-mail string is dated April 19,
18 2011 -- that long before this July 11, that back in
19 April you were looking at possibilities for drawing
20 three majority-minority districts?

21 A. In the northeast.

22 Q. In the northeast.

23 A. That's correct.

24 Q. And can you explain to me why you thought that
25 was -- why you were trying to do that?

1 A. Well, some of these were just proofs of concept to
2 see if it could be done. That anything like that
3 would end up on an enacted plan was not really in
4 our minds at that point. Certainly at this point
5 it was -- you know, a lot of this I didn't have
6 anything to do with, but at this point it was just
7 proof of concept, see if it could be done.

8 Q. And you did -- I believe you testified earlier that
9 you didn't have in front of you information about
10 racially polarized voting in the state.

11 A. That's correct.

12 Q. Did you have an understanding or a definition of
13 what it means to be a candidate of choice of black
14 voters?

15 A. Yes.

16 Q. What's that understanding?

17 MR. FARR: Objection.

18 You can answer.

19 THE WITNESS: My understanding of the
20 Voting Rights Act is if you're a candidate that --
21 well, from the Voting Rights Act standpoint, you
22 are -- they have historically discriminated
23 population should have the opportunity of choosing
24 the candidate of their choice. And if you mean
25 candidate of choice, does that refer to an

1 incumbent?

2 BY MS. EARLS:

3 Q. Well, actually, my question is in your view, does
4 the candidate of choice of African American voters
5 have to be themselves African American?

6 A. No.

7 Q. So I want to ask you about the controversy over
8 Linda Garrou's district. You looked earlier -- we
9 looked earlier at the e-mails where Senator Rucho
10 sent you about someone who was unhappy about that.

11 In your drawing of potential concepts for
12 the district in Forsyth county, did you pay any
13 attention to where Senator Garrou resided?

14 A. You know, I -- late in the process it seemed to be
15 a done deal, it seemed to be something that other
16 people had decided was going to be the way it was
17 going to be, but I didn't pay that close attention
18 to it.

19 Q. Who were the other people that --

20 A. Senator Rucho and, you know, people who had -- at
21 this point it's talking about the maps have either
22 been released or they were out of my hands. They
23 were -- I was getting plans and doing analysis of
24 them based on the data I had, but, you know,
25 incumbency -- I was aware that she was in a

1 borderline area there, but I didn't give it a lot
2 of thought.

3 Q. But at some point you realized that the decision
4 had been made that she would not be included -- her
5 residence would not be in that district?

6 A. Yes.

7 Q. I want to just check -- make sure I'm clear. The
8 subpoena, which is Exhibit 314, the very first
9 exhibit, I believe you've identified earlier the
10 cluster maps that you drew for the Senate. And is
11 it your -- and I believe I understand your
12 testimony you didn't actually draw a cluster map
13 for the House.

14 A. That's correct.

15 Q. Did you draw a full map of districts for the
16 North Carolina Senate?

17 A. Yes.

18 Q. And can you identify a file name that would tell us
19 which map that was, the earliest, the first one?

20 A. With the understanding it looks very little like
21 the enacted map.

22 Q. Sure.

23 A. I don't think I've seen it here. I've seen it in a
24 graphical file that was among those things that
25 were delivered, so the best I can do is single that

1 out and give it to Tom and have him get it to you.

2 Q. Maybe -- do you mind if I mark this?

3 A. I don't know if that's going to help.

4 Q. Well, it will help for the record purposes because
5 this is what we received and so understandably it's
6 difficult for us to determine what all these things
7 are.

8 (WHEREUPON, Exhibit 371 was marked for
9 identification.)

10 BY MS. EARLS:

11 Q. You're looking at a multi-page exhibit that is
12 numbered 371. Does that appear to be a list of the
13 files that you've provided to us in discovery?

14 A. Yes. Unfortunately what I'm looking at mostly are
15 folders. These aren't sorted by file types, and it
16 would be a graphical file and that would be how I
17 would -- that's how I would find it by sight. I
18 would recognize it, in other words, and it's easier
19 for me to scroll through a bunch of images than it
20 is to try and find them in the Maptitude, but then
21 after that you would have a Maptitude file.

22 Q. So I won't ask you to do it right now, but at some
23 point, if you wouldn't mind --

24 A. I'd be happy to.

25 Q. Then the same question with regard to the

1 North Carolina House, did you ever draw a full map
2 of 120 districts for the North Carolina House?

3 A. No.

4 Q. Did you draw a Congressional redistricting map?

5 A. I may have done a draft map of my own or one that
6 was an experiment. I'll certainly supply it.

7 Q. Thank you.

8 Again, just trying to help us decipher
9 what's here, some of the files names I want to see
10 if you can tell us what they mean. You testified
11 that -- I believe you said HN2 or -- I'm sorry --
12 HN5 stood for Hofeller modified.

13 A. Hofeller modified.

14 Q. We also have a file extension HOMP. Do you know
15 what that stands for?

16 A. I think that may be a variation of Hofeller
17 modified plan.

18 Q. And then Blue Max?

19 A. Blue Max is like Blue Horizon. It has to do with a
20 Congressional map, I believe.

21 Q. And any significance to the terminology?

22 A. No. It was arbitrary. It was just out of the
23 blue.

24 Q. Then there was also some maps labeled SCCS.

25 A. I know there were some named after the Southern

1 Coalition for Social Justice, but --

2 Q. That's kind of close, but not --

3 A. I'm not sure -- that may be Stephenson county
4 combination, and I would have to have more code,
5 but I think that's what it refers to. It's a
6 county grouping map.

7 Q. Thank you.

8 A. I'm sorry to be so cryptic, but when you just have
9 a few codes, you know.

10 Q. You have in front of you Exhibits -- these are all
11 maps -- 338 to 343, I believe.

12 A. I've got 341, 339 and 338 and 340.

13 Q. So those maps that are Exhibits 338 to 343 --

14 A. I don't see 338 here, but in any case, I remember
15 the series. It may be what I'm holding right here.
16 341, 343.

17 Okay. So these are the refined cluster
18 plans. Yeah, there were two of those, 338 and 37.

19 Q. So my question is whether Senator Rucho saw those
20 maps that --

21 A. I would have no idea. I know I hadn't seen them
22 before.

23 Q. I'm sorry. So 337 and 338 you don't know if you
24 saw?

25 A. I don't recognize those two.

1 Q. What about 339 to 342?

2 A. Yes, I recognize these as being Senate concept
3 maps, VRA district maps.

4 Q. Did Senator Rucho see those maps?

5 A. Yes.

6 Q. Okay. That's what I wanted to be clear. Thank
7 you.

8 I just have a few follow-up questions about
9 the two exhibits. It's 354 -- it's 350 and 354.

10 A. 350 and 354. These are the analysis of maps, okay,
11 the analysis of plans.

12 Q. I'm trying to understand how you came to know that
13 these were maps from Senator McKissick.

14 A. They came in a folder labeled McKissick.

15 Q. And who gave them to you?

16 A. Senator Rucho, I believe.

17 Q. Thank you. Did he have any discussion with you
18 other than that?

19 A. He just wanted the raw numbers you see before you.

20 Q. And do you know why he wanted this information?

21 A. I do not.

22 Q. I have no further questions. Thank you.

23 A. Well, thank you.

24 MR. FARR: Can we take a second.

25 (Discussion held off the record.)

1 MR. FARR: I just have very brief
2 questions.

3 EXAMINATION

4 BY MR. FARR:

5 Q. Mr. Raupe, Mr. Speas and Ms. Earls questioned you
6 about Exhibits 350 and 354.

7 A. Yes.

8 Q. And you testified that you got those files from
9 Senator Rucho.

10 A. Yes.

11 Q. And have you thought about that and do you wish to
12 clarify your answer?

13 A. Yes. I assumed -- and we all know what happens
14 when you assume. Actually, I was asked to do this
15 by Brent.

16 Q. Who's Brent?

17 A. Brent Woodcox. He works for Senator Rucho. And I
18 just assumed Senator Rucho as a mistake. And that
19 was in January of this year. And I know only what
20 the file names were. I've never seen these plans
21 before, and everything else is as I testified. I
22 can't say for certain it came from Senator Rucho.

23 MR. FARR: That's all I have.

24 MR. PETERS: And I've just got one theme
25 to follow up on.

1 EXAMINATION

2 BY MR. PETERS:

3 Q. Mr. Raupe, this morning you gave some testimony
4 about a meeting with Art Pope.

5 A. Yes.

6 Q. And you mentioned I believe it was House Districts
7 33 and 38 and you described them as being
8 sacrosanct.

9 A. Yes.

10 Q. What did you mean by sacrosanct?

11 A. I only meant that it was his intention to set those
12 aside, that he was concerned with the lines
13 elsewhere in Wake county.

14 Q. Do you recall anybody ever using the term
15 "sacrosanct" to describe those districts?

16 A. Not at the time.

17 MR. PETERS: That's all I've got.

18 MR. SPEAS: Thank you, Mr. Raupe.

19 And we will need to keep this open in light
20 of the additional documents that he's going to --

21 THE WITNESS: I'll certainly get those to
22 you. I'll get them to Tom.

23 [SIGNATURE RESERVED]

24 [DEPOSITION CONCLUDED AT 4:12 P.M.]

25

1 A C K N O W L E D G E M E N T O F D E P O N E N T

2

3 I, Joel Raupe, declare under the penalties
4 of perjury under the State of North Carolina that I
5 have read the foregoing 188 pages, which contain a
6 correct transcription of answers made by me to the
7 questions therein recorded, with the exception(s)
8 and/or addition(s) reflected on the correction sheet
9 attached hereto, if any.

10 Signed this the day of , 2012.

11

12

13

JOEL RAUPE

14

15

16 State of:

17 County of:

18 Subscribed and sworn to before me

19 this day of , 2012.

20

21

22

23 Notary Public

24 My commission expires:

25

E R R A T A S H E E T

Case Name: NAACP vs. State or North Carolina, et al. and
Margaret Dickson et al. vs. Robert Rucho, et al.
Witness Name: Joel Raupe
Deposition Date: June 18, 2012

Page/Line	Reads	Should Read
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
____/____	_____	_____
Signature	Date	

1 STATE OF NORTH CAROLINA)
2 COUNTY OF WAKE) C E R T I F I C A T E
3

4 I, DENISE L. MYERS, Court Reporter and
5 Notary Public, the officer before whom the foregoing
6 proceeding was conducted, do hereby certify that the
7 witness(es) whose testimony appears in the foregoing
8 proceeding were duly sworn by me; that the testimony
9 of said witness(es) were taken by me to the best of
10 my ability and thereafter transcribed under my
11 supervision; and that the foregoing pages, inclusive,
12 constitute a true and accurate transcription of the
13 testimony of the witness(es).

14 I do further certify that I am neither
15 counsel for, related to, nor employed by any of the
16 parties to this action, and further, that I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties thereof, nor financially or
19 otherwise interested in the outcome of said action.
20 This the 2nd day of July 2012.

21
22
23
24
25

Denise L. Myers
My commission expires 9/14/2013